

**CALENDAR ITEM**

**91**

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**CONSIDERATION OF A BOUNDARY LINE AND LAND EXCHANGE AGREEMENT,  
PURSUANT TO CHAPTER 542, STATUTES OF 2004, BETWEEN THE PORT OF  
OAKLAND, OAKLAND HARBOR PARTNERS, LLC, AND THE STATE LANDS  
COMMISSION, INVOLVING CERTAIN PARCELS WITHIN THE OAK TO NINTH  
AVENUE DISTRICT, LOCATED WITHIN THE CITY OF OAKLAND, ALAMEDA  
COUNTY**

**PARTIES:**

State of California  
State Lands Commission  
100 Howe Ave., Suite 100 South  
Sacramento, California 95825

Port of Oakland  
530 Water Street  
Oakland, CA 94607

Oakland Harbor Partners, LLC  
4670 Willow Road, Suite 200  
Pleasanton, CA 94588

**PROPOSED BOUNDARY LINE AND LAND EXCHANGE AGREEMENT:**

The City of Oakland, acting by and through its Board of Port Commissioners ("Port") has requested that the State Lands Commission ("Commission") consider and approve a Boundary Line and Land Exchange Agreement ("Agreement"), pursuant to Chapter 542, Statutes of 2004 ("Exchange Act"). The purpose of the Agreement is to establish and fix an agreed-upon boundary between existing State sovereign lands granted to the Port in trust by the Legislature and uplands acquired by the Port using public trust revenues ("After-acquired Lands"). Additionally, the Agreement will effectuate a land exchange terminating the State's sovereign public trust interest in certain parcels ("Trust Termination Parcels (Granted Lands)") in exchange for acquiring certain parcels known as the Army Reserve Parcels ("Trust Exchange Parcel"). The Agreement will also facilitate the confirmation of the common law Public Trust ("Public Trust") and the Port's statutory trust (Chapter 654, Statutes of 1911 and Chapter 15, Statutes of 1960 both as amended) ("Granted Lands Trust") on certain parcels within and along the Oakland

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Estuary ("Final Public Trust Parcels"). As a result, the Final Public Trust Parcels will be preserved, improved, or enhanced for Public Trust uses such as open space, public access, water-related recreation, such as marinas and boat launch facilities, commercial services to visitors as necessary, such as food service, plant and animal habitat, such as wetlands, and circulation to and along the waterfront. The Public Trust Easement Street Parcels will be improved for vehicular, bicycle and pedestrian access to the Final Public Trust Parcels. The parties to the proposed Agreement include the State of California ("State"), acting by and through the Commission, the Port and Oakland Harbor Partners, LLC, a California limited liability company ("OHP"). The findings described in this Calendar Item are additionally supported by the Exchange Act, the Agreement, and all of the material relating to the Agreement in the Commission's files at its Sacramento Office. The location of the various parcels involved in the proposed Agreement is generally depicted on Exhibit A and Exhibit B.

Specifically, the most substantive terms of the proposed Agreement provide that:

1. Initially, a boundary line agreement between the Port and the State will establish and fix the location of the Agreed Ordinary High Water Mark between uplands included within the Peralta Rancho and tide and submerged lands subject to the Public Trust and the Granted Lands Trust. The Port and State will exchange mutual quitclaims to effectuate the boundary line agreement.
2. The Port will quitclaim to the State the Final Public Trust Parcels; the Trust Termination Parcels (Granted Lands); the Public Trust Easement Street Parcels (Granted Lands); and the Trust Exchange Parcel.
3. The State will then patent to OHP the Trust Termination Parcels free of the Public Trust and the Port's statutory trust interests.
4. The State will patent to the Port the Final Public Trust Parcels and the Trust Exchange Parcel subject to the Public Trust, the Granted Lands Trust and the Exchange Act.
5. The State will patent to OHP the fee in the Public Trust Easement Street Parcels (Granted Lands), subject to a reserved easement for commerce, navigation, fisheries and other recognized Public Trust purposes. The Public Trust Easement will be exercised by the State for purposes of public vehicular, bicycle and pedestrian access to the Final Public Trust Parcels from the Embarcadero.
6. The State will then patent to the Port the exercised Public Trust Easement in the Public Trust Easement Street Parcels (Granted Lands).
7. Upon this Agreement becoming effective:
  - a. The Final Public Trust Parcels, the Public Trust Easement Street Parcels (Granted Lands) and the Trust Exchange Parcel will be confirmed as lands or interests in lands subject to the Public Trust, the Granted Lands Trust, and the Exchange Act, including lands that previously had been After-acquired Lands and which might have otherwise been subject to potential sale by the Port if appropriate findings could be made;

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- b. The Trust Termination Parcels (Granted Lands) will be owned by OHP free from the Public Trust and the terms, conditions, and requirements of the Port's statutory trust and the Exchange Act;
- c. The fee in the Public Trust Easement Street Parcels will be owned by OHP, but remain subject to the exercised Public Trust Easement held or retained by the Port or the City;
- d. The upland Final Public Trust Parcels currently contaminated with hazardous materials will be remediated at no cost to the Port or the State;
- e. With regard to hazardous materials, sufficient implementation and liability measures will be in place to protect the Port, as trustee, and the State from liability;
- f. The Final Public Trust Parcels will be preserved, improved, or enhanced for Public Trust uses such as open space, public access, water-related recreation, such as marinas and boat launch facilities, commercial services to visitors as necessary, such as food service, plant and animal habitat, such as wetlands, and circulation to and along the waterfront.

### **BACKGROUND:**

The Port is the State's trustee of sovereign lands within the Oak Street to Ninth Avenue Property pursuant to Chapter 107, Statutes of 1852, Chapter 644, Statutes of 1911, and Chapter 15, Statutes of 1960, all as amended ("Granted Lands Acts"). As part of a beneficial program of harbor development, the majority of the Oak Street to Ninth Avenue Property was filled and reclaimed by, among others, the City, the Port, and their lessees and sublessees in order to support maritime uses. Until the late 1970s, the Oak Street to Ninth Avenue Property, and particularly the 9th Avenue Terminal within it, was used for break bulk cargo shipping and other maritime uses.

By 1998, the Oak Street to Ninth Avenue Property was no longer used for break bulk cargo shipping. The Posey and Webster Street Tubes (two parallel underwater vehicular tunnels running beneath the Oakland Estuary connecting the cities of Oakland and Alameda) made dredging the Oakland Estuary to allow more modern maritime cargo handling facilities to be constructed and used by modern vessels impossible. Because forecasts for delivery of break bulk cargo found that the demand could be met by other facilities in the area, in 2003 the San Francisco Bay Conservation and Development Commission amended the San Francisco Bay Area Seaport Plan to remove the port priority use designation from the Oak Street to Ninth Avenue Property.

In 1999, the City adopted the Estuary Policy Plan (the "Estuary Plan") in response to public and government agency concerns about the lack of public access to the Oakland Estuary, including the Oak Street to Ninth Avenue Property. The purpose of the Estuary Plan is to promote and strengthen a sense of community, to bring people to the waterfront, to revitalize the shoreline, and to make the Oakland Estuary an inviting part of the Bay Area for the general public. The Estuary Plan sets out standards regarding

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protection and promotion of public uses along the Oakland Estuary, both within and upstream and downstream of the Oak Street to Ninth Avenue Property. The Estuary Plan was amended on March 15, 2006 by the City of Oakland Planning Commission to include the Oak Street to Ninth Avenue Project, a 64-acre mixed use development. The amendment was approved by the Oakland City Council on June 20, 2006.

In 2004, the Legislature enacted the Exchange Act. The Exchange Act has several purposes: to revitalize the Oak Street to Ninth Avenue Property through a land exchange supporting a mixed use development; to transform the shoreline of the Oak Street to Ninth Avenue Property by creating public paths along the shoreline and large public parks near the 9th Avenue Terminal; to remediate hazardous materials releases within the Oak Street to Ninth Avenue Property as required by State regulatory agencies, and to secure hazardous materials liability protections; to provide funds to the Port for Public Trust uses through the sale of some of the After-Acquired Lands within the Oak Street to Ninth Avenue Property; and to acquire an exchange parcel in compliance with the Exchange Act, useful to, and to be made subject to, the Public Trust and the terms and conditions of Granted Lands Trust.

The Port and OHP have entered into a companion real estate transaction that, in conjunction with the establishment and fixing of the boundary line and exchange provided for in the Agreement, effectuates OHP's purchase, remediation, and improvement of the Oak Street to Ninth Avenue Property After-acquired Lands. The Commission is not a party to the companion real estate transaction.

Pursuant to the Agreement and companion real estate transaction, the remediation and construction of improvements within the Oak Street to Ninth Avenue Property will occur in phases. Each phase will begin with remediation, at OHP's sole expense, of the phased area and then proceed to the construction of the public access and mixed-use improvements. It is anticipated that final build-out will take approximately 12-14 years.

### **LEGAL REQUIREMENTS:**

Pursuant to the Exchange Act, the Commission is authorized to enter into a boundary line and land exchange agreement provided that the Commission makes certain findings. Because the Port does not have the legal authority to terminate the State's public trust interest on sovereign state property, the Commission must take title to the Trust Termination Parcels (Granted Lands) to be exchanged for the interests in the Trust Exchange Parcel and as part of that exchange terminate the public trust interest in the Trust Termination Parcels (Granted Lands). The Commission, to approve the proposed Agreement, must make the following requisite findings pursuant to the Exchange Act:

1. The configuration of trust lands within the Oak Street to Ninth Avenue Property upon completion of the exchange and sale meets the requirements of subdivision



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- (j) of Section 4 and includes all lands within the Oak Street to Ninth Avenue property that are presently waterward of the mean high water line;
2. The final layout of streets in the property will provide access to the public trust lands and be consistent with the beneficial use of the remaining public trust lands;
  3. The trust exchange parcel will promote the purposes or objectives of the Estuary Plan, legislative grants, or the port improvement plans, as applicable, to the extent these purposes or objectives are consistent with the public trust;
  4. The trust exchange parcel has been selected according to the criteria in paragraph (2) of subdivision (b) of Section 4;
  5. With respect to the exchange as finally configured, the value of the trust exchange parcel to be exchanged into the trust is equal to or greater than the value of the Oak Street to Ninth Avenue exchange lands;
  6. The Oak Street to Ninth Avenue exchange lands over which the public trust will be terminated have been filled and reclaimed, those parcels consisting entirely of dry land lying landward of the present line of mean high water, and are no longer needed or required for the purposes of the public trust and constitute a relatively small portion of the lands originally granted to the city, and that the exchange will not result in substantial interference with public trust uses and purposes, nor with the Oak Street to Ninth Avenue legislative grants;
  7. Sufficient liability and implementation measures will be in place upon completion of the exchange;
  8. The proposed exchange is consistent with the Exchange Act;
  9. Vertical access from public streets to the shoreline and continuous lateral public access to the water along the entirety of the Oak Street to Ninth Avenue property consistent with policies OAK-9, OAK-10, OAK-11, and OAK-12 of the Estuary Plan in effect on June 1, 2004, for the Oak Street to Ninth Avenue property will be provided;
  10. The trust exchange parcel and final trust lands shall be held subject to the public trust and the terms of this act;
  11. No substantial interference with public trust uses and purposes shall ensue by virtue of the proposed exchange;
  12. The exchange is in the best interests of the statewide public;
  13. The Port has approved the exchange after holding at least one public hearing.

**ANALYSIS AND STAFF RECOMMENDATION**

Commission staff has reviewed and analyzed the information submitted for the proposed Boundary Line and Exchange Agreement.

Boundary Line Agreement

Upon its admission to the Union on September 9, 1850, the State, by virtue of its sovereignty, received in trust for purposes of commerce, navigation, and fisheries, all right, title and interest in tide and submerged lands within its boundaries waterward of

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the ordinary high water mark. The title to land within the Oak Street to Ninth Avenue Property derives from several sources:

- (1) Tide and submerged lands, some filled and some waterward of the present location of the mean high tide line of the waters of the Oakland Estuary. These lands, whether filled or unfilled, were granted in trust by the State to the City through various legislative acts and remain subject to the Public Trust.
- (2) Lands historically landward of the ordinary high water mark of the waters of the Oakland Estuary and within the Rancho San Antonio. The Rancho San Antonio was confirmed and patented in two parts: the first part to Antonio Peralta in June 1874; the second part to Domingo and Vicente Peralta in February 1877 (collectively the "Peralta Rancho"). Those portions of the Oak Street to Ninth Avenue Property that lie within the Peralta Rancho and that have been acquired by the City using public trust funds are, by virtue of the City Charter of the City, managed and controlled by the Port.
- (3) The entirety of the Oak Street to 9th Avenue Property consists of the Granted Lands and the After-Acquired Lands. The State and the Port dispute the location of the boundary between, and the extent of, the Granted Lands and the After-Acquired Lands. The dispute arises from a State tideland patent issued on October 9, 1889 to James Stratton based on Alameda County Tidelands Survey No. 22 ("TLS 22"). TLS 22 purported to include both lands within the Peralta Rancho as well as tide and submerged lands that were later the subject of grants to the City by virtue of the Granted Lands Acts. The dispute between the two sources of title (persons claiming title through TLS 22 and the City claiming title through various legislative acts) was ultimately resolved by a compromise. The compromise among the parties to the dispute, which did not include the State, resulted in the City receiving title to such lands. It was the subject of the decisions in *City of Oakland v. LaRue Wharf and Warehouse Company* (1918) 179 Cal. 207 and *Board of Port Commissioners of the City of Oakland v. Williams* (1937) 9 Cal.2d 381. The State and the Port dispute the effect of those decisions and the resulting character and boundary of the lands received by the City as a result.

The State and the Port have each conducted independent studies and evaluations of the title and boundary evidence concerning the location of the boundary of, and the character of title to, the lands comprising the Oak Street to Ninth Avenue Property. These efforts included examination of historic maps and surveys, rancho patents, and relevant court cases. Based on such efforts the State and the Port have reached agreement on the location of the agreed Ordinary High Water Mark as depicted in Exhibit B. The establishment of the Agreed Ordinary High Water Mark is a compromise of contested issues of law and evidence and is in lieu of the costs, delay, and

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uncertainties of title and boundary litigation. This Boundary Line Agreement is important because it establishes the precise boundaries of the area that the Port owns as land purchased with public trust funds versus the area that the Port owns through the Granted Lands Acts. It also establishes the extent of the Trust Termination Parcels (Granted Lands) that will be freed of all sovereign interest pursuant to the Agreement.

### Trust Exchange Parcel

Section 4 of the Exchange Act allows for the termination of all State interests in the Trust Termination Parcels (Granted Lands) in exchange for parcels that meets the requirements of Section 4. Pursuant to Section 7(a)(2) of the Exchange Act, the Commission's staff established procedures for reviewing the Port's selection of an exchange parcel. Such procedures included a letter agreement between Port staff and Commission staff dated January 31, 2007 (on file at the Commission's Sacramento Office), which established certain terms and procedures in the event that a potential exchange parcel became available prior to Commission consideration of the Agreement. The purpose of the letter agreement was to allow the Port to acquire a parcel with trust funds in anticipation of later submission of the parcel acquired to the Commission for consideration as a possible trust exchange parcel. The terms of this letter agreement expressly provided that the Port's acquisition of a potential exchange parcel is without prejudice to the Commission's right to disapprove of the potential exchange parcel. In addition, the letter agreement did not relieve the Port of the continued obligation to search for an exchange parcel that met a higher order of priority as established in the Exchange Act. This letter agreement allowed for the Port to acquire the Army Reserve Parcels in 2007 and such acquisition by the Port would not disqualify the Army Reserve Parcel being considered as a potential trust exchange parcel pursuant to the Exchange Act.

In 2005, Port staff began the search for a potential trust exchange parcel to comply with the Exchange Act. In consultation with Commission staff, the Port's search consisted of an examination and analysis of various parcels available within the four priority areas identified in the Exchange Act. Port staff and Commission staff also consulted with community representatives numerous times over the past five years to discuss the availability of potential trust exchange parcels. As a result, Port staff examined over 40 potential parcels. The Port has provided to the Commission (on file at the Commission's Sacramento Office) a written report describing its efforts to locate a trust exchange parcel to be received into the Public Trust and the Granted Lands Trust in exchange for the Trust Termination Parcels (Granted Lands). Commission staff believes that all reasonable efforts have been made to locate a trust exchange parcel.

The property selected by the Port as the Trust Exchange Parcel comprises the Army Reserve Parcels located in what was the eastern portion of the former Oakland Army Base. The Trust Exchange Parcel is in the Fourth Priority area identified in the Exchange Act. The selection of the Trust Exchange Parcel was made according to and is consistent with the priorities set forth in Section 4(b)(2) of the Exchange Act and the

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Commission's procedures regarding the selection of an exchange parcel. The Trust Exchange Parcel consists of approximately 6.75 acres and is depicted in Exhibit C.

The Trust Exchange Parcel is a portion of the lands described in Section 2(o) of Statutes 2005, Chapter 664. In that legislation, the Legislature recognized that certain lands, specifically including the Trust Exchange Parcel, are essential for the Port to acquire to expand the Port's terminal and transportation capacity and meet the Bay Conservation and Development Commission's 2020 cargo throughput demand forecasts. The Port has concluded and Commission staff agrees that the acquisition of the Trust Exchange Parcel will benefit the Public Trust and the Granted Lands Trust by:

- Facilitating development, construction and expansion of the Port's Outer Harbor Marine Terminals through the provision of additional intermodal rail facilities and ancillary maritime support services on the site. These additional facilities and services are necessary to accommodate and support the anticipated growth in maritime activity and container throughput over the next twenty years;
- Allowing increased container throughput and reduce the share of truck traffic versus rail traffic in and around the Port's marine terminals and on regional roadways;
- Facilitating implementation of numerous environmental design strategies to minimize air quality impacts from this facility on surrounding communities.
- Providing substantial economic benefits to the Port, the local community, and the region.
- Complying with and implementing regional land use plans, including the intended reuse of the Oakland Army Base as set forth in the Oakland Base Reuse Authority Final Reuse Plan for the former Oakland Army Base dated July 31, 2002.

Pursuant to Section 7(a)(1) of the Exchange Act, the Commission's staff established procedures for ensuring that (1) lands were not exchanged into the trust until all remedial action necessary to protect human health and the environment with respect to hazardous substances has been completed; or (2) that sufficient liability and implementation measures will be in place at the completion of the exchange to protect the State. Commission staff has reviewed information which provides assurances that any hazardous materials that may exist within the Trust Exchange Parcel will be or have been remediated. That information, on file in the Commission's Sacramento office, consists of: (a) The Final Amendment to Remediation Action Plan, approved by the Department of Toxic Substances Control ("DTSC") and (b) A Finding of Suitability to Transfer by the Department of Defense and A Finding of Suitability to Transfer Amendment #1 (collectively the "FOST") documenting the environmental suitability of the Trust Exchange Parcel for transfer to the Port consistent with the Comprehensive

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Environmental Response Compensation and Liability Act ("CERCLA"). The FOST finds that the Trust Exchange Parcel is suitable for transfer, subject to compliance with the land use covenant and notice and access provisions in the conveyance to the Port. The Department of Defense covenants in the FOST that (a) all remedial action required to protect human health and the environment with respect to remaining hazardous materials or petroleum releases has been taken prior to transfer and (b) the Department of Defense will, through the Army Reserve, conduct additional remedial action necessary post-transfer, thus confirming that the State and the Port shall not be responsible for any financial costs associated with the remediation of the Trust Exchange Parcel.

There is conflicting evidence that the Trust Exchange Parcel retains a public trust interest. Staff has reviewed appraisals (on file at the Commission's Sacramento Office), title and boundary evidence, case law and other information prepared to analyze the public trust claims and economic values of the Trust Termination Parcels (Granted Lands) and the Trust Exchange Parcel. Staff has reached an independent conclusion regarding the monetary values of these properties based on its analysis, including the above described information. Staff concluded that the economic value of land or interests in land to be received in the Trust Exchange Parcel is equal to or greater than the economic value of the sovereign interests in the Trust Termination Parcels (Granted Lands).

### Final Public Trust Configuration

As shown in Exhibit A, the configuration of the lands to be confirmed as the Final Public Trust Parcels and the Public Trust Street Parcels upon completion of the exchange through this Agreement and sale through the companion real estate transaction (a) substantially conforms to the geographic configuration and extent of trust lands shown on the diagram in Section 12 of the Exchange Act, (b) includes all lands within the Oak Street to Ninth Avenue Property that are presently waterward of the line of mean high water as of the effective date of the Exchange Act, and (c) consists of lands suitable to be impressed with the Public Trust and the Granted Lands Trust.

There are some minor changes in the configuration of the Final Public Trust Parcels and the Public Trust Easement Street Parcels from the diagram in the Exchange Act. In the South Park area, the street shown in the diagram is proposed to be extended further out into South Park, providing more public access. Additionally, there is proposed to be additional fill in Clinton Basin for shoreline protection purposes which will have the ancillary benefit of providing additional public access. Further, in the Estuary Park area (located within the Oak to Ninth Property between Oak and Fifth Streets), the street shown in the Exchange Act diagram is now designated as part of the Final Public Trust Parcels, thus increasing the size of the Final Public Trust Parcels. However, these minor changes in the geographic configuration and extent of the Final Public Trust

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Parcels and Public Trust Easement Street Parcels, in fact, more fully further Public Trust purposes.

### Street Layout and Access

As shown in Exhibit A, the final layout of the streets in the Oak Street to Ninth Avenue Property will provide access to the Public Trust Parcels from the Embarcadero and will be consistent with the beneficial use of those parcels.

As mentioned above, in the Estuary Park area, the street shown in the Exchange Act diagram is now designated as Final Public Trust Parcels. Access to the Final Public Trust Parcels within the Estuary Park area currently exists and will continue to exist in the future through the Embarcadero and the Jack London Aquatic Center.

Through the reservation and exercise of the Public Trust Easement in the Public Trust Easement Street Parcels, vertical access will be provided from the Embarcadero via public streets to the shoreline. In addition, continuous lateral public access to the water along the entirety of the Oak Street to Ninth Avenue Property consistent with policies OAK-9, OAK-10, OAK-11, and OAK-12 of the Estuary Plan in effect on June 1, 2004, for the Oak Street to Ninth Avenue Property will be provided.

### Implementation and Liability Measures for Hazardous Material

The Commission must find that sufficient liability and implementation measures will be in place upon completion of the exchange. The Port has provided Commission staff certain documents and other information, on file at the Commission's Sacramento Office, describing the liability and implementation measures to which the Port and OHP have agreed in the companion real estate transaction and which will be part of the Agreement. The liability and implementation measures consist of the following:

- Approval of the Approved Response Plan by the Department of Toxics Substances Control;
- OHP's release of the State and the Port from claims;
- OHP's agreement to indemnify the Port and the State;
- OHP's agreement to purchase pollution legal liability and cost cap insurance or fund escrow accounts.
- OHP's agreement to complete the remediation at OHP's sole cost. This obligation is to be secured by the Completion Guaranty.
- OHP's agreement to record a restrictive covenant imposing the obligations as restrictions, covenants, and conditions on the Trust Termination Parcels for the benefit of the Port, the State, and the upland Final Public Trust Parcels and the Public Trust Easement Street Parcels.
- OHP's agreement to record a deed of trust in favor of the Port encumbering the Trust Termination Parcels securing OHP's

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obligation to deliver the liability measures and implementation measures.

- OHP's agreement to establish the remediation escrow account to provide additional protection against the Port being required to incur costs related to the clean-up prior to the date that OHP provides the liability and implementation measures.
- Port's agreement to indemnify the State.

With respect to the Approved Response Plan, DTSC staff and OHP report that they have agreed on the terms to be included in the Approved Response Plan for the Oak to Ninth Property (on file at the Commission's Sacramento Office). Commission staff has reviewed the Response Plan and has no objections to it. Formal approval of the Response Plan by DTSC will occur when the California Land Reuse and Revitalization Act of 2004 ("CLRRRA") Agreement and Voluntary Clean-up Agreement between OHP and DTSC have been executed (expected on or before June 30, 2010). Because formal approval of the Response Plan by DTSC may not occur until after the Commission considers the Agreement, staff recommends that should the Commission approve the Agreement its approval be conditioned on the formal approval of the Response Plan by DTSC.

Commission staff believe the liability and implementation measures identified above amount to sufficient protective measures for the upland Final Public Trust Parcels and the Public Trust Easement Street Parcels to insure that the State is protected from liability and responsibility for hazardous material releases and that remediation of the upland Final Public Trust Parcel and the Public Trust Easement Street Parcels will be completed according to the DTSC Approved Response Plan for the Oak Street to Ninth Avenue Property.

### Final Public Trust Parcel Improvements

OHP has agreed to the construction of the Public Trust Improvements on the upland Final Public Trust Parcels and the Public Trust Easement Street Parcels, as provided for and specified in the City's entitlements. The improvements will be at OHP's sole cost and consistent with and in support of the Public Trust, the Granted Lands Trust, and the Exchange Act. The improvements will be for preservation, improvement, or enhancement for public uses such as open space, public access, water-related recreation, such as a marinas and boat launch facilities, commercial services to visitors as necessary, such as food service, plant and animal habitat, such as wetlands, and circulation to and along the waterfront, or similar uses, as shown on Exhibit KK to the Agreement (concept plan requiring further design and engineering work). Further, OHP will improve the existing Clinton Basin Marina as outlined in the proposed lease between the Port and OHP, as part of the companion real estate transaction.

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As redeveloped and improved, the upland Final Public Trust Parcels and the Public Trust Easement Street Parcels, previously inaccessible to the public, will be developed, as public open space or streets, will include both pedestrian and bicycle access and will serve the Public Trust purposes of open space, access to the shoreline and shoreline circulation. In conjunction with each phase of the project, OHP will provide the Commission's Executive Officer sufficient plans and other information to describe the scope and character of the Public Trust Improvements to be constructed on the upland Final Public Trust Parcels in each successive phase. Pursuant to the Agreement, the Executive Officer shall review the submittal to determine whether the improvements are consistent with the use restrictions of the Public Trust, the Granted Lands Trust and the Exchange Act. If the Executive Officer determines that the submittal is not consistent, OHP may appeal that determination to the Commission.

### Port Approval

The Port approved the proposed Agreement, along with the companion real estate transaction, following a properly noticed public hearing, on February 16, 2010 (Agenda Item C-1).

### Best Interests of the State

The Agreement is in the best interests of the State for a variety of reasons including:

- The repair, improvement and enhancement of the Final Public Trust Parcels through the development of a wide variety of open space areas, bike trails, walking and jogging paths, marinas, an aquatic/sailing center, and restaurants.
- Confirmation of the Final Public Trust Parcels as being the legal character of sovereign tide and submerged lands, subject to the Public Trust and the Granted Lands Trust, thereby making these lands subject to the Constitutional prohibition on the alienation of tidelands (California Constitution Article X, Section 3).
- In conjunction with the redevelopment of the Oak Street to Ninth Avenue Property, remediation of hazardous material of the upland Final Public Trust Parcels at the sole cost of OHP.
- As redeveloped and improved, the upland Final Public Trust Parcels and the Public Trust Easement Street Parcels, previously inaccessible to the public, will be developed as public open space or streets, will include both pedestrian and bicycle access and will serve the Public Trust purposes of open space, access to the shoreline and shoreline circulation.
- Acquisition of the Trust Exchange Parcel, which will be useful to and in support of the Port maritime improvement plans and as such consistent with the Public Trust and the Granted Lands Trust.
- Settlement of title and boundary issues.

### Staff Recommendation

As described in the preceding paragraphs, the facts support each of the necessary findings the Commission must make. Commission staff and the Attorney General's



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Office have reviewed the proposed Agreement and believe all necessary legal elements have been met for the Boundary Line and Land Exchange Agreement. Staff therefore recommends that the Commission approve the Oak to Ninth Avenue Boundary Line and Land Exchange Agreement and authorize its execution and the execution and recordation of all documents necessary to implement it.

### **OTHER PERTINENT INFORMATION:**

1. The State, acting by and through the Commission, is authorized under Division 6 of the Public Resources Code, and section 6357 of such code and specifically pursuant to Chapter 542, Statutes of 2004, to enter into the proposed Boundary Line and Land Exchange Agreement.
2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff has determined that this activity is exempt from the requirements of CEQA as a statutorily exempt project. The project is exempt because it involves settlement of title and boundary problems.

Authority: Public Resources Code Section 21080.11

3. The City of Oakland certified the Environmental Impact Report (EIR) for the Oak Street to Ninth Avenue Project in July of 2006. Subsequently, project opponents challenged the adequacy of the City's EIR. In January 2008, the court identified certain deficiencies in the EIR and suspended all further approvals on the Project pending a further order of the court. In January 2009, the City of Oakland approved several amendments to the EIR and submitted the revised EIR to the court for its review. Shortly thereafter, project opponents filed a new suit against the revised EIR. This second suit was dismissed by the court in May 2009. In August 2009, the court in the first lawsuit accepted the revised EIR, upholding the revised EIR as adequate. In October 2009, project opponents filed a notice of appeal on the Superior Court ruling on the revised EIR. This appeal is now pending before the Court of Appeal, First Appellate District. It is estimated that it will take approximately one year before a hearing and decision by the Court of Appeals on the matter.

### **EXHIBIT:**

- A. Final Configuration/Location and Site Map
- B. Plat of the Agreed Ordinary High Water Mark Location
- C. Trust Exchange Parcel Location and Site Map
- D. Land Description of the Agreed Ordinary High Water Mark
- E. Land Description for Trust Termination Parcels (Granted Lands)
- F. Land Description for Final Public Trust Parcels

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- G. Land Description for upland Final Public Trust Parcels
- H. Land Description for Public Trust Easement Street Parcels (Granted Lands)
- I. Land Description for Trust Exchange Parcel
- J. Land Description for Trust Termination Parcels (Granted Lands and After-acquired Lands)
- K. Land Description for Public Trust Easement Street Parcels (Granted Lands and After-acquired Lands)
- L. Land Description for After-acquired Lands
- M. Land Description for Granted Lands
- N. Land Description for Certain Granted Lands and After-acquired Lands to be Confirmed by the State
- O. Land Description for Trust Termination Parcels (After-acquired Lands)
- P. Land Description for Public Trust Easement Street Parcels (After-acquired Lands)

**IT IS RECOMMENDED THAT THE COMMISSION:**

**CEQA FINDING:**

Find that the activity is exempt from the requirements of CEQA pursuant to 14 California Code of Regulations 15061 as a statutorily exempt project pursuant to Public Resources Code Section 21080.11, Settlement of Title and Boundary Problems and from the Subdivision Map Act pursuant to Government Code Section 66412(e).

**AUTHORIZATION:**

1. Based upon the foregoing, the information contained in the Commission's files and presented at the public meeting on the Boundary Line and Land Exchange Agreement, find that, with respect to the Boundary Line and Land Exchange Agreement:
  - A. The configuration of trust lands within the Oak Street to Ninth Avenue Property upon completion of the exchange and sale meets the requirements of subdivision (j) of Section 4 and includes all lands within the Oak Street to Ninth Avenue Property that are presently waterward of the mean high water line;
  - B. The final layout of streets in the Oak to Ninth Avenue Property will provide access to the Final Public Trust Parcels and be consistent with the beneficial use of the remaining public trust lands;
  - C. The Trust Exchange Parcel will promote the purposes or objectives of the port improvement plans, as applicable, to the extent these purposes or objectives are consistent with the public trust;

CALENDAR ITEM NO. 91 (CONT'D)

- D. The Trust Exchange Parcel has been selected according to the criteria in paragraph (2) of subdivision (b) of Section 4 of Chapter 542, Statutes of 2004;
- E. With respect to the exchange as finally configured, the value of the Trust Exchange Parcel to be exchanged into the trust is equal to or greater than the value of the Trust Termination Parcels (Granted Lands);
- F. The Oak Street to Ninth Avenue Trust Termination Parcels over which the public trust will be terminated have been filled and reclaimed, those parcels consisting entirely of dry land lying landward of the present line of mean high water, and are no longer needed or required for the purposes of the public trust and constitute a relatively small portion of the lands originally granted to the city, and that the exchange will not result in substantial interference with public trust uses and purposes, nor with the Oak Street to Ninth Avenue legislative grants;
- G. The proposed exchange is consistent with the Chapter 542, Statutes of 2004;
- H. Vertical access from public streets to the shoreline and continuous lateral public access to the water along the entirety of the Oak Street to Ninth Avenue property, consistent with policies OAK-9, OAK-10, OAK-11, and OAK-12 of the estuary plan in effect on June 1, 2004, for the Oak Street to Ninth Avenue Property, will be provided;
- I. The Trust Exchange Parcel and the Final Public Trust Parcels shall be held as lands of the legal character of sovereign tide and submerged lands, subject to the common law Public Trust, the Granted Lands Trust and the terms of Chapter 542, Statutes of 2004;
- J. No substantial interference with Public Trust uses and purposes shall ensue by virtue of the proposed exchange;
- K. Sufficient liability and implementation measures will be in place upon completion of the exchange; such finding is conditioned on formal approval of the Response Plan by the Department of Toxic Substances Control;
- L. The exchange is in the best interests of the statewide public.
- M. The Port has approved the exchange after holding at least one public hearing.
- N. The public trust improvements shown on the project map, attached as Exhibit KK to the Agreement, are (a) in conformation with the restrictions set for the in the Exchange Act, the Granted Lands Trust and the Public Trust, and (b) sufficient in scope and character to satisfy any obligations set

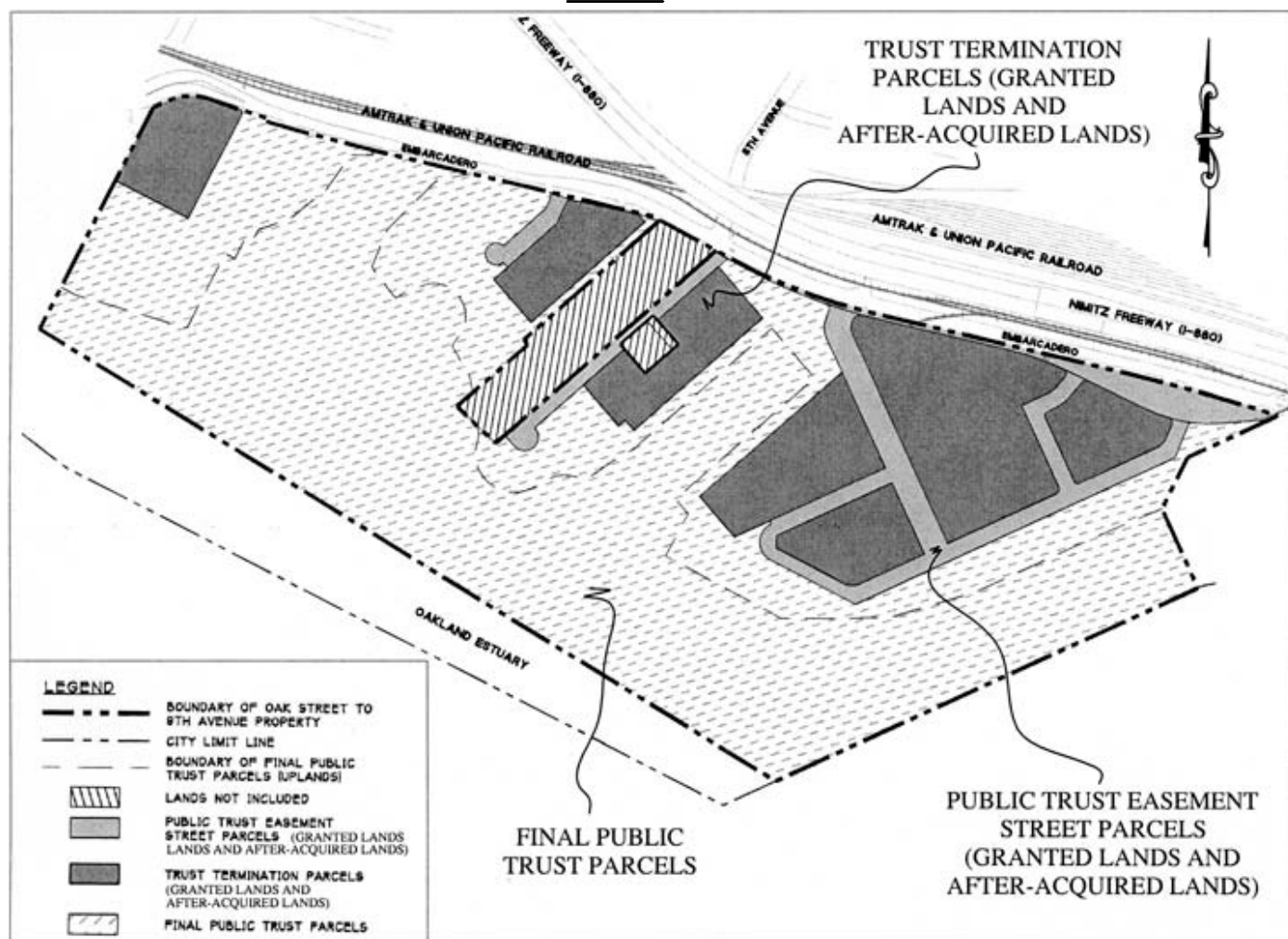
CALENDAR ITEM NO. **91** (CONT'D)

forth in the Exchange Act to improve the upland Final Public Trust Parcels.

2. Approve the terms and procedures regarding selection of the exchange parcel as memorialized in that certain letter between Port of Oakland staff and Commission staff dated January 31, 2007.
3. Approve the land descriptions attached as Exhibits D thru P.
4. Exercise the State's Public Trust Easement rights and interests for purposes of public vehicular, bicycle and pedestrian access to the Final Public Trust Parcels from the Embarcadero in the Public Trust Easement Street Parcels (Granted Lands).
5. Delegate to the Executive Officer the authority to make the initial determination whether each improvement submittal by OHP is consistent with the use restrictions of the Public Trust, the Granted Lands Trust and the Exchange Act.
6. Approve and authorize the execution, acknowledgment, and recordation of the Boundary Line and Land Exchange Agreement and associated deeds and acceptances by the Commission's Executive Officer on behalf of the California State Lands Commission, in substantially the form of the copy of such Agreement on file in the Sacramento Office of the Commission.
7. Authorize and direct staff of the Commission and/or the California Attorney General to take all necessary or appropriate action on behalf of the Commission, including the execution, acknowledgement, acceptance and recordation of all documents as may be necessary or convenient to carry out the Boundary Line and Land Exchange Agreement; and to appear on behalf of the Commission in any legal proceeding relating to the subject matter of the Boundary Line and Land Exchange Agreement.

NO SCALE

## SITE



### OAK STREET TO 9TH AVENUE DISTRICT BOUNDARY LINE AND EXCHANGE AGREEMENT FINAL CONFIGURATION

NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

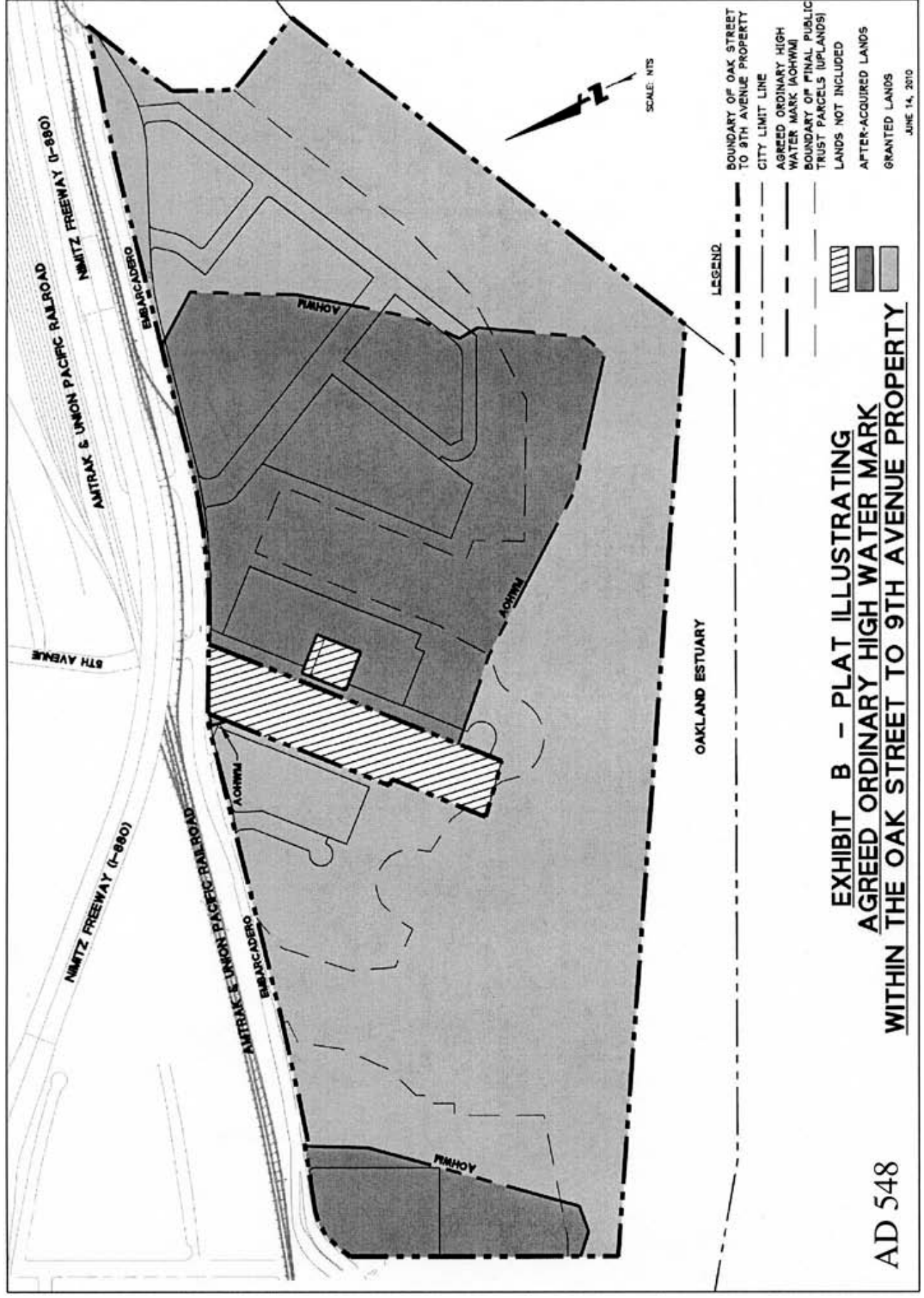
## Exhibit A

AD 548  
CITY OF OAKLAND AND  
OAKLAND HARBOR  
PARTNERS, LLC  
ALAMEDA COUNTY



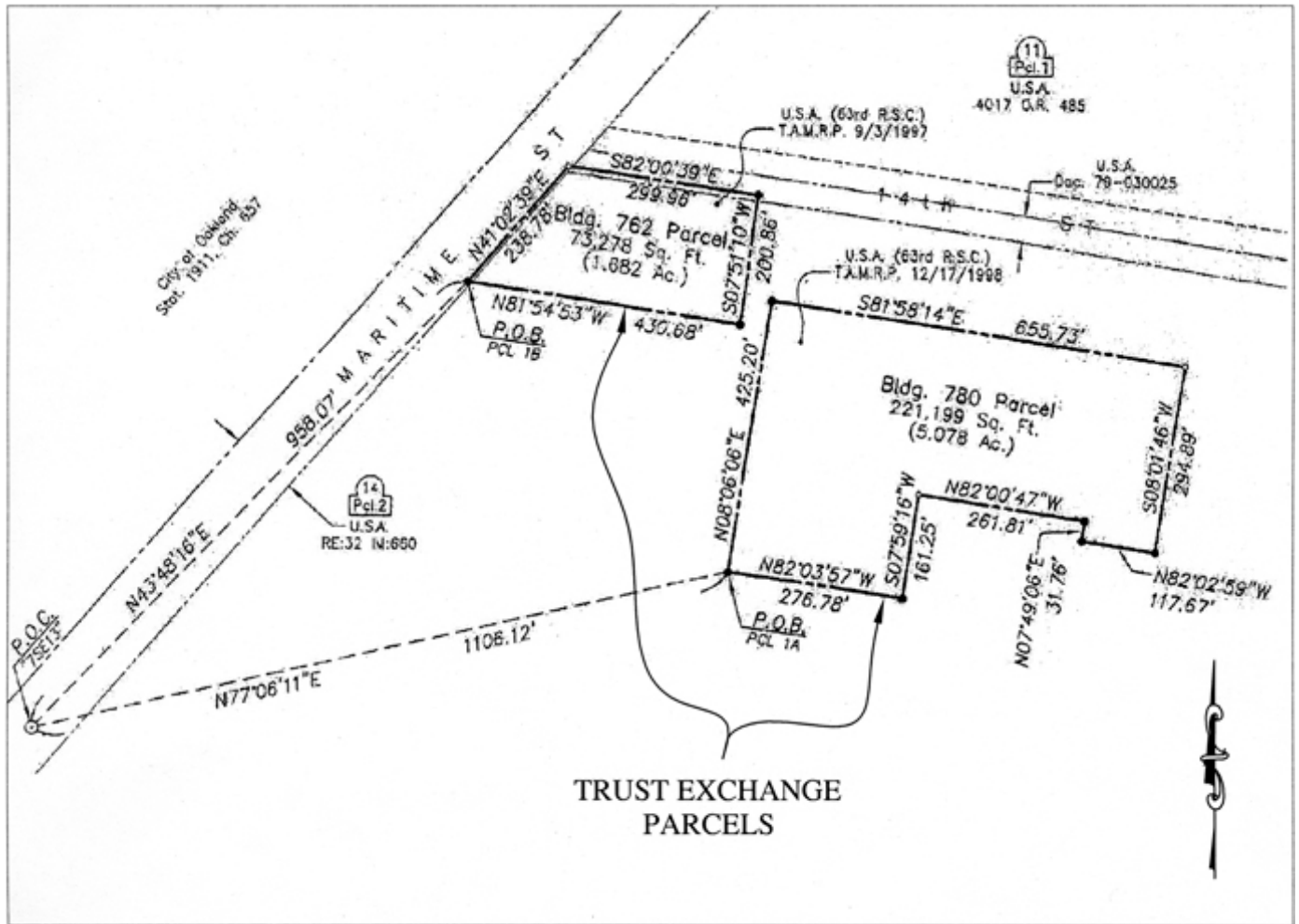
JWP 06/10

# OAK STREET TO 9TH AVENUE DISTRICT BOUNDARY LINE AND EXCHANGE AGREEMENT



NO SCALE

## SITE



### OAK STREET TO 9TH AVENUE DISTRICT BOUNDARY LINE AND EXCHANGE AGREEMENT TRUST EXCHANGE PARCELS

NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

## Exhibit C

AD 548  
CITY OF OAKLAND AND  
OAKLAND HARBOR  
PARTNERS, LLC  
ALAMEDA COUNTY



JWP 06/10

EXHIBIT D

EXHIBIT L  
DESCRIPTION OF

AD 548

AGREED ORDINARY HIGH WATER MARK  
WITHIN THE OAK STREET TO 9<sup>TH</sup> AVENUE PROPERTY

Three line segments over land situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**Segment 1 (Clinton Basin Area)**

A portion of the common line between, filled tide, tide and submerged land in the bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court:

**BEGINNING** at Monument "H133" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2114243.395, Easting = 6055505.473, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 78°53'23" West, 366.53 feet to the intersection of the northwesterly line of Homewood Suites Lease Boundary, as said boundary is described in that certain lease between the Port of Oakland and JBN Lodging, recorded on January 2, 1997 as Document Number 97000487, Alameda County Records, with the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey, also being the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears South 17°51'02" West;

thence along said southerly line of the Embarcadero, along said curve having a radius of 7,326.00 feet, through a central angle of 4°20'54" and an arc length of 555.99 feet;

thence North 76°29'52" West, 566.34 feet to the said common, and the **TRUE POINT OF BEGINNING**;

thence along said common line the following ten (10) courses,  
South 34°33'22" East, 208.16 feet;

thence South 28°56'38" West, 362.97 feet;

thence South 38°26'38" West, 409.17 feet;



thence South 52°26'38" West, 164.99 feet;

thence South 2°48'22" East, 72.59 feet;

thence South 32°26'38" West, 362.97 feet;

thence South 65°56'38" West, 89.09 feet;

thence North 50°18'22" West, 481.77 feet;

thence North 34°48'22" West, 624.98 feet;

thence North 43°18'22" West, 319.32 feet to the southeasterly line of the lands of Silveira, as said lands are described in that certain Grant Deed recorded on November 3, 1967 in Reel 2068 at image 141, Alameda County Records and the **POINT OF ENDING**.

## **Segment 2 (Channel Park Area)**

A portion of the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court:

**BEGINNING** at Monument "SHIP" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2115136.166, Easting = 6052732.398, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 82°51'11" West, 544.09 feet to the northwesterly prolongation of the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey;

thence along said northwesterly prolongation, along said southerly line, South 76°31'20" East, 668.30 feet to said common line, and the **TRUE POINT OF BEGINNING**;

thence along said common line, South 12°41'38" West, 66.36 feet to the northwesterly line of the lands of Silveira, as said lands are described in that certain Grant Deed recorded on November 3, 1967 in Reel 2068 at image 141, Alameda County Records, and the **POINT OF ENDING**.

### Segment 3 (Estuary Park Area)

A portion of the common line between, filled tide, tide and submerged land in the bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court:

**BEGINNING** at Monument "SHIP" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2115136.166, Easting = 6052732.398, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North  $82^{\circ}51'11''$  West, 544.09 feet to the northwesterly prolongation of the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey;

thence continuing along said northwesterly prolongation, North  $76^{\circ}31'20''$  West, 258.45 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 9,532.63 feet, through a central angle of  $3^{\circ}07'29''$  and an arc length of 519.88 feet;

thence North  $51^{\circ}44'16''$  East, 14.03 feet;

thence North  $71^{\circ}20'21''$  West, 20.99 feet to said common line, and the **TRUE POINT OF BEGINNING**;

thence along said common line, South  $28^{\circ}41'38''$  West, 213.06 feet;

thence continuing along last said line, South  $42^{\circ}56'38''$  West, 745.80 feet;


thence continuing along last said line, North  $82^{\circ}33'22''$  West, 92.40 feet;

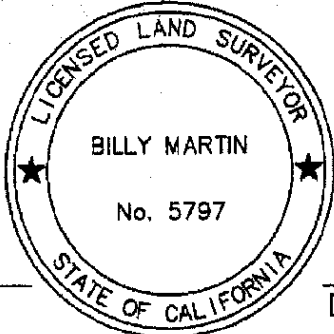
thence continuing along last said line, North  $44^{\circ}03'22''$  West, 88.16 feet to the **POINT OF ENDING**.


Basis of Bearings: All bearings shown on this survey are based on upon the California Coordinate System of 1983 (CCS83), Epoch 1986, Zone III. Held record CCS83 coordinate Northing = 2115136.166, Easting = 6052732.398, at point "SHIP", and the calculated bearing South  $72^{\circ}09'16''$  East to point "H133" having CCS83 coordinate Northing = 2114243.395, Easting = 6055505.473. The

two monuments, "SHIP" and "H133" are shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California. All distances are ground distances. To obtain grid distances, multiply ground distances shown by 0.9999293.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.

  
Billy Martin, P.L.S. 5797



  
Dated

**END OF DESCRIPTION**

## EXHIBIT E

### EXHIBIT V LAND DESCRIPTION

AD 548

#### TRUST TERMINATION PARCELS (GRANTED LANDS)

Four parcels of land situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

##### **Parcel 1 (S/M)**

A parcel of filled tide and submerged land in the historic bed of San Antonio Estuary situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "SHIP" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2115136.166, Easting = 6052732.398, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 82°51'11" West, 544.09 feet;

thence South 76°31'20" East, 295.07 feet;

thence South 69°13'14" East, 84.02 feet to the **TRUE POINT OF BEGINNING**;

thence South 78°26'43" East, 210.60 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 512.00 feet, through a central angle of 4°24'30" and an arc length of 39.39 feet;

thence South 40°49'41" East, 39.73 feet;

thence South 49°10'19" West, 555.00 feet;

thence North 40°49'41" West, 208.00 feet;

thence North 49°10'19" East, 297.61 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 25.00 feet, through a central angle of 22°59'41" and an arc length of 10.03 feet;

thence North 26°10'38" East, 85.29 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 15.00 feet, through a central angle of 75°22'39" and an arc length of 19.73 feet to the **TRUE POINT OF BEGINNING** containing an area of 107,288 square feet or 2.46 acres, more or less.

**Parcel 2 (S/D2)**

A parcel of filled tide and submerged land in the historic bed of San Antonio Estuary situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "H133" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2114243.395, Easting = 6055505.473, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 78°53'23" West, 366.53 feet;

thence South 65°32'30" West, 36.61 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears South 1°06'18" East;

thence along said curve having a radius of 398.00 feet, through a central angle of 3°18'25" and an arc length of 22.97 feet;

thence South 85°35'17" West, 149.96 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 545.00 feet, through a central angle of 20°47'36", and an arc length of 197.78 feet to a point of cusp with a curve to the right, from which point a radial line, from the curve to the radius point, bears South 16°22'53" West;

thence southeasterly along said curve having a radius of 18.00 feet, through a central angle of 95°33'30" and an arc length of 30.02 feet;

thence South 21°56'23" West, 50.00 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 70.00 feet, through a central angle of 43°36'07" and an arc length of 53.27 feet;

thence South 65°32'30" West, 934.64 feet to the **TRUE POINT OF BEGINNING**;

thence South 65°32'30" West, 188.89 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

thence along last said common line, North 52°26'38" East, 87.42 feet;

thence continuing along last said common line, North 38°26'38" East, 116.54 feet;

thence leaving last said common line, South 24°27'30" East, 72.90 feet to the **TRUE POINT OF BEGINNING**, containing an area of 5,652 square feet or 0.13 acres, more or less.

### **Parcel 3 (S/B2)**

A parcel of filled tide and submerged land in the historic bed of San Antonio Estuary situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "H133" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2114243.395, Easting = 6055505.473, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 78°53'23" West, 366.53 feet;

thence South 65°32'30" West, 36.61 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears South 1°06'18" East;

thence along said curve having a radius of 398.00 feet, through a central angle of 3°18'25" and an arc length of 22.97 feet;

thence South 85°35'17" West, 149.96 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 545.00 feet, through a central angle of 30°04'45" and an arc length of 286.11 feet;

thence North 64°19'58" West, 337.37 feet to the **TRUE POINT OF BEGINNING**;

thence North 64°19'58" West, 0.77 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 972.00 feet, through a central angle of 12°11'41" and an arc length of 206.88 feet;

thence North 76°31'39" West, 90.54 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

thence along last said common line, South 34°33'22" East, 182.25 feet;

thence continuing along last said common line, South 28°56'38" West, 362.97 feet;

thence continuing along last said common line, South 38°26'38" West, 188.61 feet;

thence leaving last said common line, South 24°27'30" East, 120.28 feet;

thence North 65°32'30" East, 439.70 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 15.00 feet, through a central angle of 90°00'00" and an arc length of 23.56 feet;

thence North 24°27'30" West, 331.00 feet;

thence North 65°32'30" East, 110.11 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 70.00 feet, through a central angle of 24°52'28" and an arc length of 30.39 feet;

thence North 40°40'02" East, 52.07 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 18.00 feet, through a central angle of 105°00'00" and an arc length of 32.99 feet to the **TRUE POINT OF BEGINNING**, containing an area of 147,230 square feet or 3.38 acres, more or less.

#### **Parcel 4 (S/A)**

A parcel of filled tide and submerged land in the historic bed of San Antonio Estuary situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "H133" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2114243.395, Easting = 6055505.473, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North  $78^{\circ}53'23''$  West, 366.53 feet;

thence South  $65^{\circ}32'30''$  West, 36.61 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears South  $1^{\circ}06'18''$  East;

thence along said curve having a radius of 398.00 feet, through a central angle of  $3^{\circ}18'25''$  and an arc length of 22.97 feet;

thence South  $85^{\circ}35'17''$  West, 149.96 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 545.00 feet, through a central angle of  $20^{\circ}47'36''$  and an arc length of 197.79 feet to the **TRUE POINT OF BEGINNING**;

thence continuing westerly along said curve having a radius of 545.00 feet, through a central angle of  $9^{\circ}17'09''$ , and an arc length of 88.33 feet;

thence North  $64^{\circ}19'58''$  West, 237.98 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 18.00 feet, through a central angle of  $75^{\circ}00'00''$  and an arc length of 23.56 feet;

thence South  $40^{\circ}40'02''$  West, 77.80 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 130.00 feet, through a central angle of  $24^{\circ}52'28''$  and an arc length of 56.44 feet;

thence South  $65^{\circ}32'30''$  West, 35.11 feet to the beginning of a tangent curve to the left;



thence along said curve having a radius of 15.00 feet, through a central angle of 90°00'00" and an arc length of 23.56 feet;

thence South 24°27'30" East, 256.00 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 15.00 feet, through a central angle of 90°00'00" and an arc length of 23.56 feet;

thence North 65°32'30" East, 312.34 feet to the beginning of a tangent curve to the left;

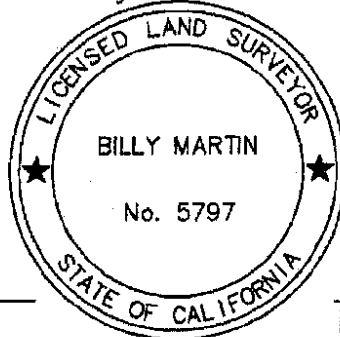
thence along said curve having a radius of 70.00 feet, through a central angle of 43°36'07" and an arc length of 53.27 feet;

thence North 21°56'23" East, 50.00 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 18.00 feet, through a central angle of 95°33'30" and an arc length of 30.02 feet to the **TRUE POINT OF BEGINNING**, containing an area of 100,517 square feet or 2.31 acres, more or less.

Basis of Bearings: All bearings shown on this survey are based on upon the California Coordinate System of 1983 (CCS83), Epoch 1986, Zone III. Held record CCS83 coordinate Northing = 2115136.166, Easting = 6052732.398, at point "SHIP", and the calculated bearing South 72°09'16" East to point "H133" having CCS83 coordinate Northing = 2114243.395, Easting = 6055505.473. The two monuments, "SHIP" and "H133" are shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California. All distances are ground distances. To obtain grid distances, multiply ground distances shown by 0.9999293.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.



  
Billy Martin, P.L.S. 5797

June 16, 2000  
Dated

**END OF DESCRIPTION**

**EXHIBIT F**

**EXHIBIT D  
LAND DESCRIPTION**

**AD548**

**FINAL PUBLIC TRUST PARCELS**

One parcel of land situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**Parcel 1 (T/X)**

A parcel of filled tide, tide and submerged land in the bed of San Antonio Estuary and a portion of land in Rancho San Antonio as located by the U.S. Surveyor General, approved October 1871 by the U.S. District Court said parcel situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "SHIP" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2115136.166, Easting = 6052732.398, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 82°51'11" West, 544.09 feet to the **TRUE POINT OF BEGINNING**;

thence South 76°31'20" East, 295.07 feet to the beginning of a non-tangent curve to the right, from which point a radial line, from the curve to the radius point, bears South 59°41'43" West;

thence along said curve having a radius of 30.00 feet, through a central angle of 56°28'55" and an arc length of 29.57 feet;

thence South 26°10'38" West, 35.39 feet;

thence South 49°10'19" West, 205.96 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears South 41°33'29" West;

thence along said curve having a radius of 40.00 feet, through a central angle of 262°23'10" and an arc length of 183.18 feet;

thence South 40°49'41" East, 23.30 feet;

thence South 49°10'19" West, 67.71 feet;

thence South 40°49'41" East, 208.00 feet;

thence North 49°10'19" East, 555.00 feet;

thence North 40°49'41" West, 39.73 feet to the beginning of a non-tangent curve to the right, from which point a radial line, from the curve to the radius point, bears South 15°57'47" West;

thence along said curve having a radius of 512.00 feet, through a central angle of 8°54'37" and an arc length of 79.62 feet to the northwesterly line of the lands of Silveira, as said lands are described in that certain Grant Deed recorded on November 3, 1967 in Reel 2068 at image 141, Alameda County Records;

thence along last said northwesterly line, South 49°10'19" West, 655.33 feet;

thence continuing along last said northwesterly line, South 40°49'41" East, 23.60 feet;

thence continuing along last said northwesterly line, South 49°10'19" West, 343.45 feet to the most westerly corner of said lands of Silveira;

thence along the southerly line of said lands of Silveira, South 46°34'41" East, 195.25 feet to the most southerly corner of said lands;

thence along the southeasterly line said lands of Silveira, North 49°10'19" East, 44.02 feet;

thence leaving last said line, South 40°49'41" East, 53.00 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 51.00 feet, through a central angle of 180°00'00" and an arc length of 160.22 feet;

thence North 40°49'41" West, 1.00 feet;

thence North 49°10'19" East, 235.41 feet;

thence South 40°49'41" East, 196.00 feet;

thence North 49°10'19" East, 32.00 feet;

thence South 40°49'41" East, 50.00 feet;

thence North 49°10'19" East, 625.00 feet;

thence North 40°49'41" West, 248.00 feet;

thence North  $49^{\circ}10'19''$  East, 32.66 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 15.00 feet, through a central angle of  $69^{\circ}05'43''$  and an arc length of 18.09 feet;

thence South  $61^{\circ}43'58''$  East, 68.53 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 1,992.00 feet, through a central angle of  $9^{\circ}12'42''$  and an arc length of 320.26 feet to a point of reverse curvature;

thence along said curve having a radius of 15.00 feet, through a central angle of  $88^{\circ}43'49''$  and an arc length of 23.23 feet;

thence South  $17^{\circ}47'09''$  West, 48.55 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 75.00 feet, through a central angle of  $42^{\circ}14'39''$  and an arc length of 55.30 feet;

thence South  $24^{\circ}27'30''$  East, 142.89 feet;

thence South  $49^{\circ}10'19''$  West, 690.00 feet;

thence South  $40^{\circ}49'41''$  East, 196.50 feet;

thence North  $65^{\circ}32'30''$  East, 142.44 feet;

thence South  $24^{\circ}27'30''$  East, 12.00 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears South  $24^{\circ}27'30''$  East;

thence along said curve having a radius of 73.00 feet, through a central angle of  $128^{\circ}00'00''$  and an arc length of 163.08 feet;

thence South  $62^{\circ}27'30''$  East, 351.97 feet;

thence North  $65^{\circ}32'30''$  East, 1,284.52 feet;

thence North  $21^{\circ}56'23''$  East, 127.14 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 15.00 feet, through a central angle of  $75^{\circ}08'56''$  and an arc length of 19.67 feet to a point of reverse curvature;

thence along said curve having a radius of 545.00 feet, through a central angle of 11°30'02" and an arc length of 109.39 feet;

thence North 85°35'17" East, 149.96 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 398.00 feet, through a central angle of 3°18'25" and an arc length of 22.97 feet to the northwesterly line of Homewood Suites Lease Boundary, as said boundary is described in that certain lease between the Port of Oakland and JBN Lodging, recorded on January 2, 1997 as Document Number 97000487, Alameda County Records;

thence along last said northwesterly line and the southwesterly prolongation thereof, South 65°32'30" West, 328.52 feet;

thence South 26°30'11" West, 208.87 feet to a point on a line perpendicular to the southerly line of the Oakland City limits;

thence southerly along last said line, South 24°28'12" East, 316.70 feet, more or less, to a point on the southerly line of the Oakland City limits;

thence southwesterly along said City Limits line, South 65°31'48" West, 1,699.31 feet, more or less, to a point on the southeasterly prolongation of the easterly 1960 Grant Line, Chapter 15, Statutes of 1960;

thence northwesterly along said southeasterly prolongation, along said line and along the northwesterly prolongation of said line, North 58°23'19" West, 3,166.58 feet, more or less, to a point on the southwesterly prolongation of the southeasterly line of Tract 4391, as said tract is shown on that certain map entitled "TRACT 4391 FOR CONDOMINIUM PURPOSES", filed for record on October 30, 1980, in Book 122 of Maps at pages 60 and 61, Alameda County Records;

thence northeasterly along last said southwesterly prolongation and along last said southeasterly line, North 27°24'49" East, 606.74 feet;

thence South 62°35'11" East, 301.35 feet;

thence North 27°24'49" East, 427.29 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 15.00 feet, through a central angle of 98°45'10" and an arc length of 25.85 feet;

thence South 71°20'21" East, 112.88 feet;

thence South 51°44'16" West, 14.03 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears North 16°36'09" East;

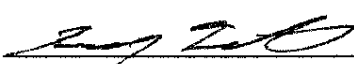
thence along said curve having a radius of 9,532.63 feet, through a central angle of 3°07'29" and an arc length of 519.88 feet;

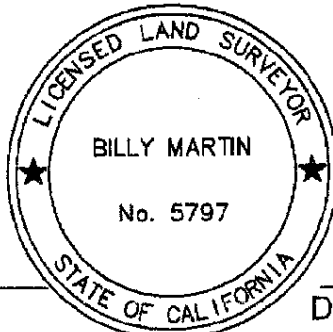
thence South 76°31'20" East, 258.45 feet to the **TRUE POINT OF BEGINNING**, containing an area of 3,822,685 square feet or 87.76 acres, more or less.

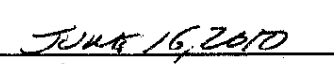
Basis of Bearings: All bearings shown on this survey are based on upon the California Coordinate System of 1983 (CCS83), Epoch 1986, Zone III. Held record CCS83 coordinate Northing = 2115136.166, Easting = 6052732.398, at point "SHIP", and the calculated bearing South 72°09'16" East to point "H133" having CCS83 coordinate Northing = 2114243.395, Easting = 6055505.473. The two monuments, "SHIP" and "H133" are shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California. All distances ground distances. To obtain grid distances, multiply ground distances shown by 0.9999293.

NOTE: Although entitled "FINAL PUBLIC TRUST PARCELS" the description is of only one parcel.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.

  
Billy Martin, P.L.S. 5797



  
Dated

**END OF DESCRIPTION**

## EXHIBIT G

### EXHIBIT D-1 LAND DESCRIPTION

AD548

#### FINAL PUBLIC TRUST PARCELS (UPLANDS)

Those certain parcels of land situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

##### **Parcel 1 (T/W)**

A parcel of filled tide, tide and submerged land in the bed of San Antonio Estuary and a portion of land in Rancho San Antonio as located by the U.S. Surveyor General, approved October 1871 by the U.S. District Court said parcel situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "H133" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2114243.395, Easting = 6055505.473, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 78°53'23" West, 366.53 feet to the intersection of the northwesterly line of Homewood Suites Lease Boundary, as said boundary is described in that certain lease between the Port of Oakland and JBN Lodging, recorded on January 2, 1997 as Document Number 97000487, Alameda County Records, with the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey;

thence along last said northwesterly line of Homewood Suites Lease Boundary, South 65°32'30" West, 36.61 feet to the **TRUE POINT OF BEGINNING**;

thence continuing along said line and its southwesterly prolongation, South 65°32'30" West, 328.52 feet;

thence South 26°30'11" West, 208.87 feet;

thence South 67°12'12" West, 242.09 feet;

thence South 65°40'44" West, 503.12 feet;

thence South 73°29'06" West, 317.84 feet;

thence South 88°11'55" West, 188.99 feet;  
thence North 89°38'27" West, 218.96 feet;  
thence North 61°40'04" West, 481.14 feet;  
thence North 28°43'59" East, 173.04 feet;  
thence North 40°49'41" West, 71.80 feet;  
thence North 49°10'19" East, 673.87 feet;  
thence North 40°49'41" West, 240.00 feet;  
thence South 49°10'19" West, 675.00 feet;  
thence South 65°54'30" West, 28.68 feet;  
thence South 62°29'58" West, 20.70 feet;  
thence South 55°10'57" West, 146.59 feet;  
thence North 80°40'53" West, 76.80 feet to the beginning of a tangent curve to the left;  
thence along said curve having a radius of 92.97 feet, through a central angle of 38°20'45" and an arc length of 62.22 feet;  
thence South 60°58'22" West, 68.30 feet to the beginning of a tangent curve to the right;  
thence along said curve having a radius of 146.77 feet, through a central angle of 117°22'03" and an arc length of 300.65 feet;  
thence North 12°51'29" East, 69.26 feet;  
thence North 9°08'32" West, 32.90 feet to the southwesterly line of the lands of Silveira, as said lands are described in that certain Grant Deed recorded on November 3, 1967 in Reel 2068 at image 141, Alameda County Records;  
thence along last said southwesterly line, South 46°34'41" East, 90.57 feet to the most southerly corner of said lands described in last said deed;  
thence along the southeasterly line of last said lands, North 49°10'19" East, 44.02 feet;



thence South 40°49'41" East, 53.00 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 51.00 feet, through a central angle of 180°00'00" and an arc length of 160.22 feet;

thence North 40°49'41" West, 1.00 feet;

thence North 49°10'19" East, 235.41 feet;

thence South 40°49'41" East, 196.00 feet;

thence North 49°10'19" East, 32.00 feet;

thence South 40°49'41" East, 50.00 feet;

thence North 49°10'19" East, 625.00 feet;

thence North 40°49'41" West, 248.00 feet;

thence North 49°10'19" East, 32.66 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 15.00 feet, through a central angle of 69°05'43" and an arc length of 18.09 feet;

thence South 61°43'58" East, 68.53 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 1,992.00 feet, through a central angle of 9°12'42" and an arc length of 320.26 feet to a point of reverse curvature;

thence along said curve having a radius of 15.00 feet, through a central angle of 88°43'49" and an arc length of 23.23 feet;

thence South 17°47'09" West, 48.55 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 75.00 feet, through a central angle of 42°14'39" and an arc length of 55.30 feet;

thence South 24°27'30" East, 142.89 feet;

thence South 49°10'19" West, 690.00 feet;

thence South 40°49'41" East, 196.50 feet;

thence North 65°32'30" East, 142.44 feet;

thence South 24°27'30" East, 12.00 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears South 24°27'30" East;

thence along said curve having a radius of 73.00 feet, through a central angle of 128°00'00" and an arc length of 163.08 feet;

thence South 62°27'30" East, 351.97 feet;

thence North 65°32'30" East, 1,284.52 feet;

thence North 21°56'23" East, 127.14 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 15.00 feet, through a central angle of 75°08'56" and an arc length of 19.67 feet to a point of reverse curvature;

thence along said curve having a radius of 545.00 feet, through a central angle of 11°30'02" and an arc length of 109.39 feet;

thence North 85°35'17" East, 149.96 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 398.00 feet, through a central angle of 3°18'25" and an arc length of 22.97 feet to the **TRUE POINT OF BEGINNING**, containing an area of 564,525 square feet or 12.96 acres, more or less.

## **Parcel 2 (T/Y)**

A parcel of filled tide, tide and submerged land in the bed of San Antonio Estuary and a portion of land in Rancho San Antonio as located by the U.S. Surveyor General, approved October 1871 by the U.S. District Court said parcel situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "SHIP" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2115136.166, Easting = 6052732.398, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 82°51'11" West, 544.09 feet;

thence North 76°31'20" West, 258.45 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 9,532.63 feet, through a central angle of 00°39'15" and an arc length of 108.84 feet to the **TRUE POINT OF BEGINNING**;

thence South 14°07'55" West, 18.98 feet;

thence North 88°42'49" West, 81.79 feet;

thence South 32°45'50" West, 50.04 feet;

thence South 35°54'12" West, 102.54 feet;

thence South 50°56'18" West, 176.73 feet;

thence South 72°16'27" West, 119.77 feet;

thence South 26°52'39" West, 28.71 feet;

thence North 62°36'54" West, 28.62 feet;

thence South 27°26'23" West, 102.54 feet;

thence North 62°34'50" West, 39.95 feet;

thence South 27°23'42" West, 304.64 feet;

thence North 73°21'04" West, 424.79 feet;

thence North 62°35'11" West, 62.33 feet to a point on the southwesterly prolongation of the southeasterly line of Tract 4391, as said tract is shown on that certain map entitled "TRACT 4391 FOR CONDOMINIUM PURPOSES", filed for record on October 30, 1980, in Book 122 of Maps at pages 60 and 61, Alameda County Records;

thence northeasterly along last said southwesterly prolongation and along last said southeasterly line, North 27°24'49" East, 435.62 feet;

thence South 62°35'11" East, 301.35 feet;

thence North 27°24'49" East, 427.29 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 15.00 feet, through a central angle of 98°45'10" and an arc length of 25.85 feet;

thence South 71°20'21" East, 112.88 feet;

thence South 51°44'16" West, 14.03 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears North 16°36'09" East;

thence along said curve having a radius of 9,532.63 feet, through a central angle of 2°28'14" and an arc length of 411.04 feet to the **TRUE POINT OF BEGINNING**, containing an area of 359,584 square feet or 8.25 acres, more or less.

### **Parcel 3 (T/Z)**

A parcel of filled tide, tide and submerged land in the bed of San Antonio Estuary and a portion of land in Rancho San Antonio as located by the U.S. Surveyor General, approved October 1871 by the U.S. District Court said parcel situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "SHIP" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2115136.166, Easting = 6052732.398, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 82°51'11" West, 544.09 feet to the **TRUE POINT OF BEGINNING**;

thence South 76°31'20" East, 295.07 feet to the beginning of a non-tangent curve to the right, from which point a radial line, from the curve to the radius point, bears South 59°41'43" West;

thence along said curve having a radius of 30.00 feet, through a central angle of 56°28'55" and an arc length of 29.57 feet;

thence South 26°10'38" West, 35.39 feet;

thence South 49°10'19" West, 205.96 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears South 41°33'29" West;

thence along said curve having a radius of 40.00 feet, through a central angle of 262°23'10" and an arc length of 183.18 feet;

thence South 40°49'41" East, 23.30 feet;

thence South 49°10'19" West, 67.71 feet;

thence South 40°49'41" East, 208.00 feet;

thence North 49°10'19" East, 555.00 feet;

thence North 40°49'41" West, 39.73 feet to the beginning of a non-tangent curve to the right, from which point a radial line, from the curve to the radius point, bears South 15°57'47" West;

thence southeasterly along said curve having a radius of 512.00 feet, through a central angle of 08°54'37" and an arc length of 79.62 feet;

thence South 49°10'19" West, 655.33 feet;

thence South 40°49'41" East, 23.60 feet;

thence South 49°10'19" West, 268.67 feet;

thence North 9°08'32" West, 60.54 feet;

thence North 30°09'25" West, 129.33 feet;

thence North 34°14'40" East, 65.67 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears North 62°15'09" West;

thence along said curve having a radius of 119.81 feet, through a central angle of 124°39'57" and an arc length of 260.69 feet;

thence South 69°36'27" West, 91.23 feet;

thence South 59°44'47" West, 42.53 feet;

thence North 37°46'31" West, 142.15 feet;

thence North 22°49'03" East, 149.66 feet;

thence North 45°41'32" East, 191.87 feet;

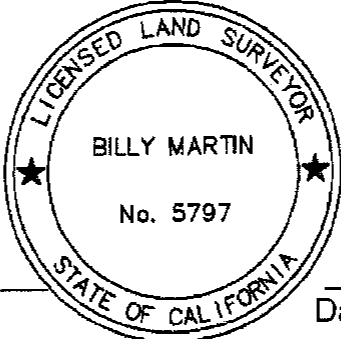
thence North 44°32'05" East, 54.58 feet;

thence North 76°51'25" East, 109.64 feet;

thence North 80°40'23" East, 26.50 feet to the **TRUE POINT OF BEGINNING**, containing an area of 265,285 square feet or 6.09 acres, more or less.

Basis of Bearings: All bearings shown on this survey are based on upon the California Coordinate System of 1983 (CCS83), Epoch 1986, Zone III. Held record CCS83 coordinate Northing = 2115136.166, Easting = 6052732.398, at point "SHIP", and the calculated bearing South 72°09'16" East to point "H133" having CCS83 coordinate Northing = 2114243.395, Easting = 6055505.473. The two monuments, "SHIP" and "H133" are shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California. All distances ground distances. To obtain grid distances, multiply ground distances shown by 0.9999293.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.

A circular seal for a Licensed Land Surveyor. The outer ring contains the text "LICENSED LAND SURVEYOR" at the top and "STATE OF CALIFORNIA" at the bottom, separated by two stars. The center of the seal contains the name "BILLY MARTIN" and the number "No. 5797".

Billy Martin, P.L.S. 5797 June 16, 2010  
Dated

**END OF DESCRIPTION**

## EXHIBIT H

### EXHIBIT BB LAND DESCRIPTION

AD 548

#### PUBLIC TRUST EASEMENT STREET PARCELS (GRANTED LANDS)

Five parcels of land situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

##### **Parcel 1 (T/R2)**

A parcel of filled tide and submerged land in the historic bed of San Antonio Estuary situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "H133" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2114243.395, Easting = 6055505.473, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 78°53'23" West, 366.53 feet to the intersection of the northwesterly line of Homewood Suites Lease Boundary, as said boundary is described in that certain lease between the Port of Oakland and JBN Lodging, recorded on January 2, 1997 as Document Number 97000487, Alameda County Records, with the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey, said intersection being the **TRUE POINT OF BEGINNING**;

thence along last said northwesterly line of Homewood Suites Lease Boundary, South 65°32'30" West, 36.61 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears South 1°06'18" East;

thence along said curve having a radius of 398.00 feet, through a central angle of 3°18'25" and an arc length of 22.97 feet;

thence South 85°35'17" West, 149.96 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 545.00 feet, through a central angle of 30°04'45" and an arc length of 286.11 feet;

thence North 64°19'58" West, 338.14 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 972.00 feet, through a central angle of 12°11'41" and an arc length of 206.88 feet;

thence North 76°31'39" West, 90.54 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

thence along last said common line, North 34°33'22" West, 25.91 feet to the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey;

thence along last said southerly line, South 76°29'52" East, 566.34 feet to the beginning of a tangent curve to the right;

thence continuing along last said southerly line, along said curve having a radius of 7,326.00 feet, through a central angle of 4°20'54" and an arc length of 555.99 feet to the **TRUE POINT OF BEGINNING**, containing an area of 72,657 square feet or 1.67 acres, more or less.

## **Parcel 2 (T/T2)**

A parcel of filled tide and submerged land in the historic bed of San Antonio Estuary situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "H133" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2114243.395, Easting = 6055505.473, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 78°53'23" West, 366.53 feet to the intersection of the northwesterly line of Homewood Suites Lease Boundary, as said boundary is described in that certain lease between the Port of Oakland and JBN Lodging, recorded on January 2, 1997 as Document Number 97000487, Alameda County Records, with the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey;

thence along last said northwesterly line of Homewood Suites Lease Boundary, South 65°32'30" West, 36.61 feet to the beginning of a non-tangent curve to the



**Parcel 2 (T/T2) (continued)**

left, from which point a radial line, from the curve to the radius point, bears South 1°06'18" East;

thence along said curve having a radius of 398.00 feet, through a central angle of 3°18'25" and an arc length of 22.97 feet;

thence South 85°35'17" West, 149.96 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 545.00 feet, through a central angle of 11°30'02" and an arc length of 109.39 feet to the **TRUE POINT OF BEGINNING**, said point also being a point of reverse curvature;

thence along said curve having a radius of 15.00 feet, through a central angle of 75°08'56" and an arc length 19.67 feet;

thence South 21°56'23" West, 127.14 feet;

thence South 65°32'30" West, 1,261.28 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

thence along last said common line, North 2°48'22" West, 47.04 feet;

thence continuing along last said common line, North 52°26'38" East, 77.57 feet;

thence North 65°32'30" East, 188.89 feet;

thence North 24°27'30" West, 72.90 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

thence along last said common line, North 38°26'38" East, 104.02 feet;

thence South 24°27'30" East, 120.28 feet;

thence North 65°32'30" East, 439.70 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 15.00 feet, through a central angle of 90°00'00" and an arc length of 23.56 feet;

**Parcel 2 (T/T2) (continued)**

thence North  $24^{\circ}27'30''$  West, 331.00 feet;

thence North  $65^{\circ}32'30''$  East, 110.11 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 70.00 feet, through a central angle of  $24^{\circ}52'28''$  and an arc length of 30.39 feet;

thence North  $40^{\circ}40'02''$  East, 52.07 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 18.00 feet, through a central angle of  $105^{\circ}00'00''$  and an arc length of 32.99 feet to a point of cusp;

thence South  $64^{\circ}19'58''$  East, 99.39 feet to a point of cusp with a curve to the left, from which point a radial line, from the curve to the radius point, bears South  $25^{\circ}40'02''$  West;

thence westerly along said curve having a radius of 18.00 feet, through a central angle of  $75^{\circ}00'00''$  and an arc length of 23.56 feet;

thence South  $40^{\circ}40'02''$  West, 77.80 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 130.00 feet, through a central angle of  $24^{\circ}52'28''$  and an arc length of 56.44 feet;

thence South  $65^{\circ}32'30''$  West, 35.11 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 15.00 feet, through a central angle of  $90^{\circ}00'00''$  and an arc length of 23.56 feet;

thence South  $24^{\circ}27'30''$  East, 256.00 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 15.00 feet, through a central angle of  $90^{\circ}00'00''$  and an arc length of 23.56 feet;

thence North  $65^{\circ}32'30''$  East, 312.34 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 70.00 feet, through a central angle of  $43^{\circ}36'07''$  and an arc length of 53.27 feet;

**Parcel 2 (T/T2) (continued)**

thence North 21°56'23" East, 50.00 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 18.00 feet, through a central angle of 95°33'30" and an arc length of 30.02 feet to a point of cusp with a curve to the left, from which point a radial line, from the curve to the radius point, bears North 16°22'53" East;

thence easterly along said curve having a radius of 545.00 feet, through a central angle of 9°17'34" and an arc length of 88.39 feet to the **TRUE POINT OF BEGINNING**, containing an area of 122,907 square feet or 2.82 acres, more or less.

**Parcel 3 (T/U2)**

A parcel of filled tide and submerged land in the historic bed of San Antonio Estuary situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "SHIP" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2115136.166, Easting = 6052732.398, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 82°51'11" West, 544.09 feet to the northwesterly prolongation of the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey;

thence along said northwesterly prolongation, along said line, South 76°31'20" East, 683.45 feet;

thence continuing along said southerly line, South 61°43'52" East, 262.27 feet to the southeasterly line of the lands of Silveira, as said lands are described in that certain Grant Deed recorded on November 3, 1967 in Reel 2068 at image 141, Alameda County Records;

thence along last said southeasterly line, South 49°10'19" West, 911.59 to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court, and being the **TRUE POINT OF BEGINNING**;

thence along last said common line, South 43°18'22" East, 52.05 feet;

thence South 49°10'19" West, 14.45 feet;

thence South 40°49'41" East, 1.00 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 51.00 feet, through a central angle of 180°00'00" and an arc length of 160.22 feet;

thence North 40°49'41" West, 53.00 to the southeasterly line of the lands of Silveira, as said lands are described in that certain Grant Deed recorded on November 3, 1967 in Reel 2068 at image 141, Alameda County Records;

thence along last said southeasterly line, North 49°10'19" East, 114.19 feet to the **TRUE POINT OF BEGINNING**, containing an area of 10,184 square feet or 0.23 acres, more or less.

#### **Parcel 4 (T/V)**

A parcel of filled tide and submerged land in the historic bed of San Antonio Estuary situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "SHIP" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2115136.166, Easting = 6052732.398, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 82°51'11" West, 544.09 feet to the northwesterly prolongation of the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey;

thence along said northwesterly prolongation of the southerly line of said Embarcadero, South 76°31'20" East, 295.07 feet to the **TRUE POINT OF BEGINNING**;

thence South 69°13'14" East, 84.02 feet to a point of cusp with a curve to the left, from which point a radial line, from the curve to the radius point, bears South 11°33'17" West;

thence southwesterly along said curve having a radius of 15.00 feet, through a

central angle of 75°22'39" and an arc length of 19.73 feet;

thence South 26°10'38" West, 85.29 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 25.00 feet, through a central angle of 22°59'41" and an arc length of 10.03 feet;

thence South 49°10'19" West, 229.90 feet;

thence North 40°49'41" West, 23.30 feet to the beginning of a non-tangent curve to the right, from which point a radial line, from the curve to the radius point, bears North 40°49'41" West;

thence along said curve having a radius of 40.00 feet, through a central angle of 262°23'10" and an arc length of 183.18 feet;

thence North 49°10'19" East, 205.96 feet;

thence North 26°10'38" East, 35.39 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 30.00 feet, through a central angle of 56°28'55" and an arc length of 29.57 feet to the **TRUE POINT OF BEGINNING**, containing an area of 25,068 square feet or 0.58 acres, more or less.

#### **Parcel 5 (T/S1)**

A parcel of filled tide and submerged land in the historic bed of San Antonio Estuary situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "SHIP" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2115136.166, Easting = 6052732.398, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 82°51'11" West, 544.09 feet to the northwesterly prolongation of the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey;

thence along said northwesterly prolongation of the southerly line of said Embarcadero, South 76°31'20" East, 295.07 feet to the **TRUE POINT OF BEGINNING**;

thence continuing along last said northwesterly prolongation and along said southerly line of the Embarcadero, South 76°31'20" East, 373.23 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

thence along last said common line, South 12°41'38" West, 7.13 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears South 20°28'09" West;

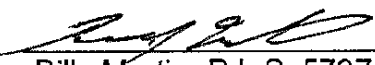
thence northwesterly along said curve having a radius of 512.00 feet, through a central angle of 8°54'52" and an arc length of 79.66 feet;

thence North 78°26'43" West, 210.60 feet;

thence North 69°13'14" West, 84.02 feet to the **TRUE POINT OF BEGINNING**, containing an area of 2,293 square feet or 0.05 acres, more or less.

Basis of Bearings: All bearings shown on this survey are based on upon the California Coordinate System of 1983 (CCS83), Epoch 1986, Zone III. Held record CCS83 coordinate Northing = 2115136.166, Easting = 6052732.398, at point "SHIP", and the calculated bearing South 72°09'16" East to point "H133" having CCS83 coordinate Northing = 2114243.395, Easting = 6055505.473. The two monuments, "SHIP" and "H133" are shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California. All distances are ground distances. To obtain grid distances, multiply ground distances shown by 0.9999293.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.

  
Billy Martin, P.L.S. 5797



JUNE 16, 2010  
Dated

**END OF DESCRIPTION**

# EXHIBIT I

## Legal Description Building 762 Parcel Former Oakland Army Base

All that certain real property situated in the City of Oakland, County of Alameda, State of California, described as follows:

A portion of that Parcel of land described in that certain Indenture between the Southern Pacific Company and the United States of America, recorded February 15, 1979 as Document 79-036025, in the Office of the Recorder of said Alameda County (hereinafter referred to as Doc. 79-036025); A portion of the Parcel of land described in that certain Indenture between the Southern Pacific Company and the United States of America, recorded March 2, 1942, in Book 4189 of Official Records, Page 197 in the Office of the Recorder of said Alameda County (hereinafter referred to as 4189 O.R. 197); A portion of the lands described in that certain Final Judgment as to Interests of Defendant City of Oakland, A Municipal Corporation, United States of America vs. City of Oakland et al., Case No. 21758-L, Case No. 21930-L, Case No. 22084-L, District Court of the United States in and for the Northern District of California, Southern Division, recorded February 24, 1960, Reel 032, Image 660 of Official Records in the Office of the Recorder of said Alameda County herein after referred to as Reel:032, Image:660) all of which being the "Parcel Encompassing Building 762" as described in that certain unrecorded "Transfer and Acceptance of Military Real Property" from the Military Traffic Management Command of the Oakland Army Base to the 63<sup>rd</sup> RSC, dated September 3, 1997 (herein after referred to as the Building 762 Parcel), and being more particularly described as follows:

**COMMENCING** at City of Oakland monument No. 7SE13, said monument being a pin set in concrete, in a monument well marking the intersection of the centerlines of Maritime Street and 10<sup>th</sup> Street, as said streets are shown on that unrecorded map entitled "Oakland Army Terminal Boundary Map" prepared by Wilsey & Ham Engineers in 1958 for the U.S. Army Corps of Engineers, File No. 45-I-286 (hereinafter referred to as the Army Map), said monument is further described as being Port of Oakland Monument ID H006 as shown upon Record of Survey 990, filed for record in Book 18 of Record of Surveys, at Pages 50-60, Alameda County Official Records;

Thence, North 43°48'16" East 958.07 feet to the most western corner of said Building 762 Parcel, said corner being marked by a 5/8" rebar with plastic cap stamped "LS 5671", being the **POINT OF BEGINNING**;

Thence, along the northwest, northeast, southeast and southwest lines of said Building 762 Parcel the following four courses:

- 1) North 41°02'39" East, 238.78 feet to the most northern corner of said parcel;
- 2) South 82°00'39" East, 299.96 feet to the most eastern corner of said parcel, said corner being marked by a 5/8" rebar with plastic cap stamped "LS 5671";

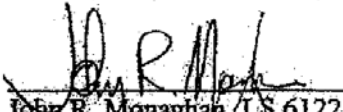
3) South 07°51'10" West, 200.86 feet to the most southern corner of said parcel, said corner being marked by a 5/8" rebar with plastic cap stamped "LS 5671".

4) North 81°54'53" West, 430.68 feet to the **POINT OF BEGINNING**, containing 73,278 square feet (1.682 acres) more or less, measured in ground distances.

Bearings and distances called for herein are based upon the California Coordinate System, Zone III, North American Datum of 1983 (1986 values) as shown upon that certain map entitled Record of Survey 990, filed in Book 18 of Record of Surveys, Pages 50-60, Alameda County Records unless otherwise indicated. To obtain ground level distances, multiply distances called for herein by 1.0000705.

#### End of Description

I hereby state that this description and its accompanying plat were prepared by me, or under my direction, in October 3, 2005.

  
John R. Monaghan / LS 6122  
License Expires: 03/31/06

10/3/05  
Date





Legal Description  
Building 780 Parcel  
Former Oakland Army Base

All that certain real property situated in the City of Oakland, County of Alameda, State of California, described as follows:

A portion of that certain Parcel of land described in that certain Indenture between the Southern Pacific Company and the United States of America, recorded March 2, 1942, in Book 4189 of Official Records, Page 197 in the Office of the Recorder of said Alameda County (hereinafter referred to as 4189 O.R. 197), being Parcel B as described in that unrecorded "Transfer and Acceptance of Military Real Property" from the Military Traffic Management Command of the Oakland Army Base to the 63<sup>rd</sup> RSC, dated December 17, 1998 (hereinafter referred to as the Building 780 Parcel), and being more particularly described as follows:

**COMMENCING** at City of Oakland monument No. 7SE13, said monument being a pin set in concrete, in a monument well marking the intersection of the centerlines of Maritime Street and 10<sup>th</sup> Street, as said streets are shown on that unrecorded map entitled "Oakland Army Terminal Boundary Map" prepared by Wilsey & Ham Engineers in 1958 for the U.S. Army Corps of Engineers, File No. 45-I-286 (hereinafter referred to as the Army Map), said monument is further described as being Port of Oakland Monument ID H006 as shown upon Record of Survey 990, filed for record in Book 18 of Record of Surveys, at Pages 50-60, Alameda County Official Records;

Thence North 77°06'11" East 1106.11 feet to the most western corner of said Building 780 Parcel, said corner being marked by a bolt and washer stamped "LS 6379", being the **POINT OF BEGINNING** of Parcel 1A;

Thence along the northwest, northeast, southeast and southwest lines of said Building 780 Parcel the following eight courses:

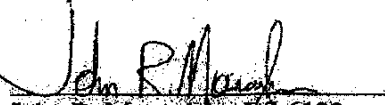
- 1) North 8°06'06" East, 425.20 feet to the most northern corner of said parcel, said corner being marked by a concrete nail and shiner stamped "LS 6379";
- 2) South 81°58'14" East, 655.73 feet to the most eastern corner of said parcel;
- 3) South 8°01'46" West, 294.89 feet to the southeast corner of said parcel, said corner being marked by a pipe and plug stamped "LS 6379";
- 4) North 82°02'59" West, 117.67 feet to an angle point in said southwest line, said angle point being marked by a pipe and plug stamped "LS 6379";
- 5) North 7°49'06" East, 31.76 feet to an angle point in said southwest line, said angle point being marked by a pipe and plug stamped "LS 6379";
- 6) North 82°00'47" West, 261.81 feet to an angle point in said southwest line;

7) South 7°59'16" West, 161.25 feet to an angle point in said southwest line, said angle point being marked by a 2.5" brass disk and bolt stamped "LS 6379";

8) North 82°03'57" West, 276.78 feet to the POINT OF BEGINNING, containing 221,199 square feet (5.078 acres) more or less, measured in ground distances.

**End of Description**

I hereby state that this description and its accompanying plat were prepared by me, or under my direction, in October 2005.

  
John R. Monaghan, LS 6122  
License Expires: 03/31/06

10/3/05  
Date

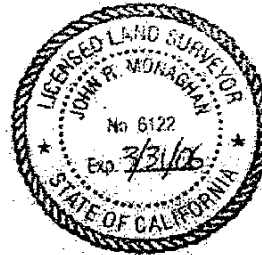


EXHIBIT J

EXHIBIT E  
LAND DESCRIPTION

AD 548

TRUST TERMINATION PARCELS

Nine parcels of land situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**Parcel 1 (S/A)**

A parcel of filled tide and submerged land in the historic bed of San Antonio Estuary situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "H133" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2114243.395, Easting = 6055505.473, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 78°53'23" West, 366.53 feet;

thence South 65°32'30" West, 36.61 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears South 1°06'18" East;

thence along said curve having a radius of 398.00 feet, through a central angle of 3°18'25" and an arc length of 22.97 feet;

thence South 85°35'17" West, 149.96 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 545.00 feet, through a central angle of 20°47'36" and an arc length of 197.79 feet to the **TRUE POINT OF BEGINNING**;

thence continuing westerly along said curve having a radius of 545.00 feet, through a central angle of 9°17'09", and an arc length of 88.33 feet;

thence North 64°19'58" West, 237.98 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 18.00 feet, through a central angle of 75°00'00" and an arc length of 23.56 feet;

thence South 40°40'02" West, 77.80 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 130.00 feet, through a central angle of 24°52'28" and an arc length of 56.44 feet;

thence South 65°32'30" West, 35.11 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 15.00 feet, through a central angle of 90°00'00" and an arc length of 23.56 feet;

thence South 24°27'30" East, 256.00 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 15.00 feet, through a central angle of 90°00'00" and an arc length of 23.56 feet;

thence North 65°32'30" East, 312.34 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 70.00 feet, through a central angle of 43°36'07" and an arc length of 53.27 feet;

thence North 21°56'23" East, 50.00 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 18.00 feet, through a central angle of 95°33'30" and an arc length of 30.02 feet to the **TRUE POINT OF BEGINNING**, containing an area of 100,517 square feet or 2.31 acres, more or less.

## **Parcel 2 (S/B2)**

A parcel of filled tide and submerged land in the historic bed of San Antonio Estuary situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "H133" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2114243.395, Easting = 6055505.473, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 78°53'23" West, 366.53 feet;

thence South 65°32'30" West, 36.61 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears South 1°06'18" East;

thence along said curve having a radius of 398.00 feet, through a central angle of 3°18'25" and an arc length of 22.97 feet;

thence South 85°35'17" West, 149.96 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 545.00 feet, through a central angle of 30°04'45" and an arc length of 286.11 feet;

thence North 64°19'58" West, 337.37 feet to the **TRUE POINT OF BEGINNING**;

thence North 64°19'58" West, 0.77 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 972.00 feet, through a central angle of 12°11'41" and an arc length of 206.88 feet;

thence North 76°31'39" West, 90.54 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

thence along last said common line, South 34°33'22" East, 182.25 feet;

thence continuing along last said common line, South 28°56'38" West, 362.97 feet;

thence continuing along last said common line, South 38°26'38" West, 188.61 feet;

thence leaving last said common line, South 24°27'30" East, 120.28 feet;

thence North 65°32'30" East, 439.70 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 15.00 feet, through a central angle of 90°00'00" and an arc length of 23.56 feet;

thence North 24°27'30" West, 331.00 feet;

thence North 65°32'30" East, 110.11 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 70.00 feet, through a central angle of 24°52'28" and an arc length of 30.39 feet;

thence North 40°40'02" East, 52.07 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 18.00 feet, through a central angle of 105°00'00" and an arc length of 32.99 feet to the **TRUE POINT OF BEGINNING**, containing an area of 147,230 square feet or 3.38 acres, more or less.

### **Parcel 3 (S/D2)**

A parcel of filled tide and submerged land in the historic bed of San Antonio Estuary situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "H133" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2114243.395, Easting = 6055505.473, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 78°53'23" West, 366.53 feet;

thence South 65°32'30" West, 36.61 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears South 1°06'18" East;

thence along said curve having a radius of 398.00 feet, through a central angle of 3°18'25" and an arc length of 22.97 feet;

thence South 85°35'17" West, 149.96 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 545.00 feet, through a central angle of 20°47'36", and an arc length of 197.78 feet to a point of cusp with a curve to the right, from which point a radial line, from the curve to the radius point, bears South 16°22'53" West;

thence southeasterly along said curve having a radius of 18.00 feet, through a central angle of 95°33'30" and an arc length of 30.02 feet;

thence South 21°56'23" West, 50.00 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 70.00 feet, through a central angle of 43°36'07" and an arc length of 53.27 feet;

thence South 65°32'30" West, 934.64 feet to the **TRUE POINT OF BEGINNING**;

thence South 65°32'30" West, 188.89 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

thence along last said common line, North 52°26'38" East, 87.42 feet;

thence continuing along last said common line, North 38°26'38" East, 116.54 feet;

thence leaving last said common line, South 24°27'30" East, 72.90 feet to the **TRUE POINT OF BEGINNING**, containing an area of 5,652 square feet or 0.13 acres, more or less.

#### **Parcel 4 (S/M)**

A parcel of filled tide and submerged land in the historic bed of San Antonio Estuary situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "SHIP" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2115136.166, Easting = 6052732.398, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 82°51'11" West, 544.09 feet;

thence South 76°31'20" East, 295.07 feet;

thence South 69°13'14" East, 84.02 feet to the **TRUE POINT OF BEGINNING**;

thence South 78°26'43" East, 210.60 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 512.00 feet, through a central angle of 4°24'30" and an arc length of 39.39 feet;

thence South 40°49'41" East, 39.73 feet;

thence South 49°10'19" West, 555.00 feet;

thence North 40°49'41" West, 208.00 feet;

thence North 49°10'19" East, 297.61 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 25.00 feet, through a central angle of 22°59'41" and an arc length of 10.03 feet;

thence North 26°10'38" East, 85.29 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 15.00 feet, through a central angle of 75°22'39" and an arc length of 19.73 feet to the **TRUE POINT OF BEGINNING**, containing an area of 107,288 square feet or 2.46 acres, more or less.

#### **Parcel 5 (P/B1)**

A parcel of land in Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court said parcel situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "H133" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2114243.395, Easting = 6055505.473, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 78°53'23" West, 366.53 feet;

thence South 65°32'30" West, 36.61 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears South 1°06'18" East;

thence along said curve having a radius of 398.00 feet, through a central angle of 3°18'25" and an arc length of 22.97 feet;

thence South 85°35'17" West, 149.96 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 545.00 feet, through a central angle of 30°04'45" and an arc length of 286.11 feet;



thence North  $64^{\circ}19'58''$  West, 338.14 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 972.00 feet, through a central angle of  $12^{\circ}11'41''$  and an arc length of 206.88 feet;

thence North  $76^{\circ}31'39''$  West, 90.54 feet to the **TRUE POINT OF BEGINNING**, said point also being a point on the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

thence along last said common line, South  $34^{\circ}33'22''$  East, 182.25 feet;

thence continuing along last said common line, South  $28^{\circ}56'38''$  West, 362.97 feet;

thence continuing along last said common line, South  $38^{\circ}26'38''$  West, 188.61 feet;

thence leaving last said common line, North  $24^{\circ}27'30''$  West, 729.91 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 15.00 feet, through a central angle of  $28^{\circ}14'39''$  and an arc length of 7.39 feet;

thence North  $3^{\circ}47'09''$  East, 20.39 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 35.00 feet, through a central angle of  $101^{\circ}12'29''$  and an arc length of 61.82 feet to a point of reverse curvature;

thence along said curve having a radius of 1,992.00 feet, through a central angle of  $1^{\circ}31'17''$  and an arc length of 52.89 feet;

thence South  $76^{\circ}31'39''$  East, 407.69 feet to the **TRUE POINT OF BEGINNING**, containing an area of 224,208 square feet or 5.15 acres, more or less.

#### **Parcel 6 (P/D1)**

A parcel of land in Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court said parcel situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "H133" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2114243.395, Easting = 6055505.473, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 78°53'23" West, 366.53 feet;

thence South 65°32'30" West, 36.61 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears South 1°06'18" East;

thence along said curve having a radius of 398.00 feet, through a central angle of 3°18'25" and an arc length of 22.97 feet;

thence South 85°35'17" West, 149.96 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 545.00 feet, through a central angle of 20°47'36" and an arc length of 197.79 feet to a point of cusp with a curve to the right, from which point a radial line, from the curve to the radius point, bears South 16°22'53" West;

thence southeasterly along said curve having a radius of 18.00 feet, through a central angle of 95°33'30" and an arc length of 30.02 feet;

thence South 21°56'23" West, 50.00 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 70.00 feet, through a central angle of 43°36'07" and an arc length of 53.27 feet;

thence South 65°32'30" West, 1,123.54 feet to the **TRUE POINT OF BEGINNING**, said point also being a point on the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

thence leaving last said common line, South 65°32'30" West, 68.99 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 70.00 feet, through a central angle of 52°00'00" and an arc length of 63.53 feet;

thence North 62°27'30" West, 277.54 feet;

thence North 1°32'30" East, 44.94 feet;

thence North 65°32'30" East, 464.21 feet;

thence South 24°27'30" East, 213.10 feet to a point on the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

thence along last said common line, South 38°26'38" West, 116.54 feet;

thence continuing along last said common line, South 52°26'38" West, 87.42 feet to the **TRUE POINT OF BEGINNING**, containing an area of 108,617 square feet or 2.49 acres, more or less.

#### **Parcel 7 (P/H)**

A parcel of land in Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court said parcel situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "H133" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2114243.395, Easting = 6055505.473, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 78°53'23" West, 366.53 feet;

thence South 65°32'30" West, 36.61 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears South 1°06'18" East;

thence along said curve having a radius of 398.00 feet, through a central angle of 3°18'25" and an arc length of 22.97 feet;

thence South 85°35'17" West, 149.96 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 545.00 feet, through a central angle of 20°47'36" and an arc length of 197.79 feet to a point of cusp, with a curve to the right, from which point a radial line, from the curve to the radius point, bears South 16°22'53" West;

thence southeasterly along said curve having a radius of 18.00 feet, through a central angle of 95°33'30" and an arc length of 30.02 feet;

thence South 21°56'23" West, 50.00 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 70.00 feet, through a central angle of 43°36'07" and an arc length of 53.27 feet;

thence South 65°32'30" West, 934.64 feet;

thence North 24°27'30" West, 346.00 feet to the **TRUE POINT OF BEGINNING**;

thence South 65°32'30" West, 606.65 feet;

thence North 40°49'41" West, 196.50 feet;

thence North 49°10'19" East, 690.00 feet;

thence South 24°27'30" East, 383.00 feet to the **TRUE POINT OF BEGINNING**, containing an area of 183,968 square feet or 4.22 acres, more or less.

#### **Parcel 8 (P/K)**

A parcel of land in Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court said parcel situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "SHIP" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2115136.166, Easting = 6052732.398, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 82°51'11" West, 544.09 feet;

thence South 76°31'20" East, 683.45 feet;

thence South 61°43'52" East, 262.27 feet;

thence South 55°12'41" East, 61.58 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears South 28°16'02" West;

thence along said curve having a radius of 15.00 feet, through a central angle of 69°05'43" and an arc length of 18.09 feet;

thence South 49°10'19" West, 32.66 feet to the **TRUE POINT OF BEGINNING**;

thence South 40°49'41" East, 248.00 feet;

thence South 49°10'19" West, 625.00 feet;

thence North 40°49'41" West, 50.00 feet;

thence South 49°10'19" West, 32.00 feet;

thence North 40°49'41" West, 198.00 feet;

thence North 49°10'19" East, 200.00 feet to the southwesterly line of the land described in that certain Grant Deed recorded on December 13, 1979 as Document Number 79-252704, Official Records Alameda County;

thence along last said southwesterly line, South 40°49'41" East 116.56 feet, to the most southerly corner of said land described in said Document Number 79-252704;

thence along the southeasterly line of said land described in said Document Number 79-252704 and the southeasterly line of the parcel described as "(B)" in the Quitclaim Deed to Fred H. Slater and Virginia Slater, recorded on January 18, 1946 in Book 4832 of Official Records at page 53, Alameda County Records, North 49°10'19" East 160.00 feet to the most easterly corner of said parcel "(B)";

thence along the northeasterly line of said parcel "(B)", North 40°49'41" West, 116.56 feet;

thence North 49°10'19" East, 297.00 feet to the **TRUE POINT OF BEGINNING**, containing an area of 142,687 square feet or 3.28 acres, more or less.

### **Parcel 9 (P/N)**

A parcel of land in Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court said parcel situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "SHIP" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2115136.166, Easting = 6052732.398, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North  $82^{\circ}51'11''$  West, 544.09 feet;

thence North  $76^{\circ}31'20''$  West, 258.45 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 9,532.63 feet, through a central angle of  $3^{\circ}07'29''$  and an arc length of 519.88 feet;

thence North  $51^{\circ}44'16''$  East, 14.03 feet;

thence North  $71^{\circ}20'21''$  West, 112.88 feet to the **TRUE POINT OF BEGINNING**;

thence North  $71^{\circ}20'21''$  West, 122.15 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 200.00 feet, through a central angle of  $42^{\circ}30'25''$  and an arc length of 148.38 feet;

thence South  $66^{\circ}09'14''$  West, 60.37 feet to the northeasterly projection of the southeasterly line of Tract 4391, as said tract is shown on that certain map entitled "TRACT 4391 FOR CONDOMINIUM PURPOSES", filed for record on October 30, 1980, in Book 122 of Maps at pages 60 and 61, Alameda County Records;

thence along said northeasterly projection and said line, South  $27^{\circ}24'49''$  West, 303.93 feet;

thence South  $62^{\circ}35'11''$  East, 301.35 feet;

thence North  $27^{\circ}24'49''$  East, 427.29 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 15.00 feet, through a central angle of 98°45'10" and an arc length of 25.85 feet to the **TRUE POINT OF BEGINNING**, containing an area of 122,169 square feet or 2.80 acres, more or less.

Basis of Bearings: All bearings shown on this survey are based on upon the California Coordinate System of 1983 (CCS83), Epoch 1986, Zone III. Held record CCS83 coordinate Northing = 2115136.166, Easting = 6052732.398, at point "SHIP", and the calculated bearing South 72°09'16" East to point "H133" having CCS83 coordinate Northing = 2114243.395, Easting = 6055505.473. The two monuments, "SHIP" and "H133" are shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California. All distances are ground distances. To obtain grid distances, multiply ground distances shown by 0.9999293.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.



*Billy Martin*  
Billy Martin, P.L.S. 5797

*JUNE 16, 2010*  
Dated

**END OF DESCRIPTION**

## EXHIBIT K

### EXHIBIT F LAND DESCRIPTION

AD 548

#### PUBLIC TRUST EASEMENT STREET PARCELS

Nine parcels of land situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

##### **Parcel 1 (T/R2)**

A parcel of filled tide and submerged land in the historic bed of San Antonio Estuary situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "H133" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2114243.395, Easting = 6055505.473, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 78°53'23" West, 366.53 feet to the intersection of the northwesterly line of Homewood Suites Lease Boundary, as said boundary is described in that certain lease between the Port of Oakland and JBN Lodging, recorded on January 2, 1997 as Document Number 97000487, Alameda County Records, with the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey, said intersection being the **TRUE POINT OF BEGINNING**;

thence along last said northwesterly line of Homewood Suites Lease Boundary, South 65°32'30" West, 36.61 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears South 1°06'18" East;

thence along said curve having a radius of 398.00 feet, through a central angle of 3°18'25" and an arc length of 22.97 feet;

thence South 85°35'17" West, 149.96 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 545.00 feet, through a central angle of 30°04'45" and an arc length of 286.11 feet;

thence North 64°19'58" West, 338.14 feet to the beginning of a tangent curve to the left;



thence along said curve having a radius of 972.00 feet, through a central angle of 12°11'41" and an arc length of 206.88 feet;

thence North 76°31'39" West, 90.54 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

thence along last said common line, North 34°33'22" West, 25.91 feet to the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey;

thence along last said southerly line, South 76°29'52" East, 566.34 feet to the beginning of a tangent curve to the right;

thence continuing along last said southerly line, along said curve having a radius of 7,326.00 feet, through a central angle of 4°20'54" and an arc length of 555.99 feet to the **TRUE POINT OF BEGINNING**, containing an area of 72,657 square feet or 1.67 acres, more or less.

## **Parcel 2 (T/T2)**

A parcel of filled tide and submerged land in the historic bed of San Antonio Estuary situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "H133" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2114243.395, Easting = 6055505.473, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 78°53'23" West, 366.53 feet to the intersection of the northwesterly line of Homewood Suites Lease Boundary, as said boundary is described in that certain lease between the Port of Oakland and JBN Lodging, recorded on January 2, 1997 as Document Number 97000487, Alameda County Records, with the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey;

thence along last said northwesterly line of Homewood Suites Lease Boundary, South 65°32'30" West, 36.61 feet to the beginning of a non-tangent curve to the

**Parcel 2 (T/T2) (continued)**

left, from which point a radial line, from the curve to the radius point, bears South 1°06'18" East;

thence along said curve having a radius of 398.00 feet, through a central angle of 3°18'25" and an arc length of 22.97 feet;

thence South 85°35'17" West, 149.96 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 545.00 feet, through a central angle of 11°30'02" and an arc length of 109.39 feet to the **TRUE POINT OF BEGINNING**, said point also being a point of reverse curvature;

thence along said curve having a radius of 15.00 feet, through a central angle of 75°08'56" and an arc length 19.67 feet;

thence South 21°56'23" West, 127.14 feet;

thence South 65°32'30" West, 1,261.28 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

thence along last said common line, North 2°48'22" West, 47.04 feet;

thence continuing along last said common line, North 52°26'38" East, 77.57 feet;

thence North 65°32'30" East, 188.89 feet;

thence North 24°27'30" West, 72.90 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

thence along last said common line, North 38°26'38" East, 104.02 feet;

thence South 24°27'30" East, 120.28 feet;

thence North 65°32'30" East, 439.70 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 15.00 feet, through a central angle of 90°00'00" and an arc length of 23.56 feet;

**Parcel 2 (T/T2) (continued)**

thence North 24°27'30" West, 331.00 feet;

thence North 65°32'30" East, 110.11 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 70.00 feet, through a central angle of 24°52'28" and an arc length of 30.39 feet;

thence North 40°40'02" East, 52.07 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 18.00 feet, through a central angle of 105°00'00" and an arc length of 32.99 feet to a point of cusp;

thence South 64°19'58" East, 99.39 feet to a point of cusp with a curve to the left, from which point a radial line, from the curve to the radius point, bears South 25°40'02" West;

thence westerly along said curve having a radius of 18.00 feet, through a central angle of 75°00'00" and an arc length of 23.56 feet;

thence South 40°40'02" West, 77.80 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 130.00 feet, through a central angle of 24°52'28" and an arc length of 56.44 feet;

thence South 65°32'30" West, 35.11 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 15.00 feet, through a central angle of 90°00'00" and an arc length of 23.56 feet;

thence South 24°27'30" East, 256.00 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 15.00 feet, through a central angle of 90°00'00" and an arc length of 23.56 feet;

thence North 65°32'30" East, 312.34 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 70.00 feet, through a central angle of 43°36'07" and an arc length of 53.27 feet;

**Parcel 2 (T/T2) (continued)**

thence North 21°56'23" East, 50.00 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 18.00 feet, through a central angle of 95°33'30" and an arc length of 30.02 feet to a point of cusp with a curve to the left, from which point a radial line, from the curve to the radius point, bears North 16°22'53" East;

thence easterly along said curve having a radius of 545.00 feet, through a central angle of 9°17'34" and an arc length of 88.39 feet to the **TRUE POINT OF BEGINNING**, containing an area of 122,907 square feet or 2.82 acres, more or less.

**Parcel 3 (T/U2)**

A parcel of filled tide and submerged land in the historic bed of San Antonio Estuary situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "SHIP" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2115136.166, Easting = 6052732.398, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 82°51'11" West, 544.09 feet to the northwesterly prolongation of the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey;

thence along said northwesterly prolongation, along said line, South 76°31'20" East, 683.45 feet;

thence continuing along said southerly line, South 61°43'52" East, 262.27 feet to the southeasterly line of the lands of Silveira, as said lands are described in that certain Grant Deed recorded on November 3, 1967 in Reel 2068 at image 141, Alameda County Records;

thence along last said southeasterly line, South 49°10'19" West, 911.59 to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court, and being the **TRUE POINT OF BEGINNING**;

thence along last said common line, South 43°18'22" East, 52.05 feet;

thence South 49°10'19" West, 14.45 feet;

thence South 40°49'41" East, 1.00 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 51.00 feet, through a central angle of 180°00'00" and an arc length of 160.22 feet;

thence North 40°49'41" West, 53.00 to the southeasterly line of the lands of Silveira, as said lands are described in that certain Grant Deed recorded on November 3, 1967 in Reel 2068 at image 141, Alameda County Records;

thence along last said southeasterly line, North 49°10'19" East, 114.19 feet to the **TRUE POINT OF BEGINNING**, containing an area of 10,184 square feet or 0.23 acres, more or less.

#### **Parcel 4 (T/V)**

A parcel of filled tide and submerged land in the historic bed of San Antonio Estuary situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "SHIP" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2115136.166, Easting = 6052732.398, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 82°51'11" West, 544.09 feet to the northwesterly prolongation of the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey;

thence along said northwesterly prolongation of the southerly line of said Embarcadero, South 76°31'20" East, 295.07 feet to the **TRUE POINT OF BEGINNING**;

thence South 69°13'14" East, 84.02 feet to a point of cusp with a curve to the left, from which point a radial line, from the curve to the radius point, bears South 11°33'17" West;

thence southwesterly along said curve having a radius of 15.00 feet, through a

central angle of 75°22'39" and an arc length of 19.73 feet;

thence South 26°10'38" West, 85.29 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 25.00 feet, through a central angle of 22°59'41" and an arc length of 10.03 feet;

thence South 49°10'19" West, 229.90 feet;

thence North 40°49'41" West, 23.30 feet to the beginning of a non-tangent curve to the right, from which point a radial line, from the curve to the radius point, bears North 40°49'41" West;

thence along said curve having a radius of 40.00 feet, through a central angle of 262°23'10" and an arc length of 183.18 feet;

thence North 49°10'19" East, 205.96 feet;

thence North 26°10'38" East, 35.39 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 30.00 feet, through a central angle of 56°28'55" and an arc length of 29.57 feet to the **TRUE POINT OF BEGINNING**, containing an area of 25,068 square feet or 0.58 acres, more or less.

#### **Parcel 5 (T/S1)**

A parcel of filled tide and submerged land in the historic bed of San Antonio Estuary situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "SHIP" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2115136.166, Easting = 6052732.398, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 82°51'11" West, 544.09 feet to the northwesterly prolongation of the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey;

thence along said northwesterly prolongation of the southerly line of said Embarcadero, South 76°31'20" East, 295.07 feet to the **TRUE POINT OF BEGINNING**;

thence continuing along last said northwesterly prolongation and along said southerly line of the Embarcadero, South 76°31'20" East, 373.23 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

thence along last said common line, South 12°41'38" West, 7.13 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears South 20°28'09" West;

thence northwesterly along said curve having a radius of 512.00 feet, through a central angle of 8°54'52" and an arc length of 79.66 feet;

thence North 78°26'43" West, 210.60 feet;

thence North 69°13'14" West, 84.02 feet to the **TRUE POINT OF BEGINNING**, containing an area of 2,293 square feet or 0.05 acres, more or less.

#### **Parcel 6 (P/R1)**

A parcel of land in Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court said parcel situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "H133" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2114243.395, Easting = 6055505.473, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 78°53'23" West, 366.53 feet to the intersection of the northwesterly line of Homewood Suites Lease Boundary, as said boundary is described in that certain lease between the Port of Oakland and JBN Lodging, recorded on January 2, 1997 as Document Number 97000487, Alameda County Records, with the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey;

thence along last said northwesterly line of Homewood Suites Lease boundary, South 65°32'30" West, 36.61 feet to the beginning of a non-tangent curve to the

left, from which point a radial line, from the curve to the radius point, bears South 1°06'18" East;

thence along said curve having a radius of 398.00 feet, through a central angle of 3°18'25" and an arc length of 22.97 feet;

thence South 85°35'17" West, 149.96 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 545.00 feet, through a central angle of 30°04'45" and an arc length of 286.11 feet;

thence North 64°19'58" West, 338.14 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 972.00 feet, through a central angle of 12°11'41" and an arc length of 206.88 feet;

thence North 76°31'39" West, 90.54 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court, and the **TRUE POINT OF BEGINNING**;

thence North 76°31'39" West, 407.69 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 1,992.00 feet, through a central angle of 14°47'41" and an arc length of 514.37 feet;

thence North 61°43'58" West, 68.53 feet;

thence North 55°12'41" West, 61.58 feet to the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey;

thence along last said southerly line, South 61°43'52" East, 63.81 feet to the beginning of a tangent curve to the left;

thence continuing along last said southerly line, along said curve having a radius of 2,174.00 feet, through a central angle of 14°46'00" and an arc length of 560.30 feet;

thence continuing along last said southerly line, South 76°29'52" East, 404.95 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court



thence along last said common line, South 34°33'22" East, 25.91 feet to the **TRUE POINT OF BEGINNING**, containing an area of 14,716 square feet or 0.34 acres, more or less.

#### **Parcel 7 (P/T1)**

A parcel of land in Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court said parcel situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "H133" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2114243.395, Easting = 6055505.473, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 78°53'23" West, 366.53 feet to the intersection of the northwesterly line of Homewood Suites Lease Boundary, as said boundary is described in that certain lease between the Port of Oakland and JBN Lodging, recorded on January 2, 1997 as Document Number 97000487, Alameda County Records, with the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey;

thence along last said northwesterly line of Homewood Suites Lease boundary, South 65°32'30" West, 36.61 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears South 1°06'18" East;

thence along said curve having a radius of 398.00 feet, through a central angle of 3°18'25" and an arc length of 22.97 feet;

thence South 85°35'17" West, 149.96 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 545.00 feet, through a central angle of 30°04'45" and an arc length of 286.11 feet;

thence North 64°19'58" West, 338.14 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 972.00 feet, through a central angle of 12°11'41" and an arc length of 206.88 feet;

**Parcel 7 (P/T1) (continued)**

thence North 76°31'39" West, 498.23 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 1,992.00 feet, through a central angle of 1°31'17" and an arc length of 52.89 feet to the **TRUE POINT OF BEGINNING**, said point also being a point of reverse curvature;

thence along said curve having a radius of 35.00 feet, through a central angle of 101°12'29" and an arc length 61.82 feet;

thence South 3°47'09" West, 20.39 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 15.00 feet, through a central angle of 28°14'39" and an arc length of 7.39 feet;

thence South 24°27'30" East, 729.91 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

thence along last said common line, South 38°26'38" West, 104.02 feet;

thence North 24°27'30" West, 213.10 feet;

thence South 65°32'30" West, 464.21 feet;

thence South 1°32'30" West, 44.94 feet;

thence South 62°27'30" East, 277.54 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 70.00 feet, through a central angle of 52°00'00" and an arc length of 63.53 feet;

thence North 65°32'30" East, 68.99 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

thence along last said common line, South 52°26'38" West, 77.57 feet;

thence continuing along last said common line, South 2°48'22" East, 47.04 feet;

**Parcel 7 (P/T1) (continued)**

thence South 65°32'30" West, 23.24 feet;

thence North 62°27'30" West, 351.97 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 73.00 feet, through a central angle of 128°00'00" and an arc length of 163.08 feet;

thence North 24°27'30" West, 12.00 feet;

thence North 65°32'30" East, 464.21 feet;

thence North 24°27'30" West, 525.89 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 75.00 feet, through a central angle of 42°14'39" and an arc length of 55.30 feet;

thence North 17°47'09" East, 48.55 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 15.00 feet, through a central angle of 88°43'49" and an arc length of 23.23 feet to a point of cusp with a curve to the left, from which point a radial line, from the curve to the radius point, bears North 19°03'20" East;

thence along said curve having a radius of 1,992.00 feet, through a central angle of 4°03'42" and an arc length of 141.21 feet to the **TRUE POINT OF BEGINNING**, containing an area of 132,026 square feet or 3.03 acres, more or less.

**Parcel 8 (P/U1)**

A parcel of land in Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court said parcel situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "SHIP" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2115136.166, Easting = 6052732.398, as shown on the Record of Survey of the port area of the City of Oakland, R/S

No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North  $82^{\circ}51'11''$  West, 544.09 feet to a point on the northwesterly prolongation of the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey;

thence along last said northwesterly prolongation, along said line, South  $76^{\circ}31'20''$  East, 683.45 feet;

thence continuing along last said southerly line, South  $61^{\circ}43'52''$  East, 262.27 feet to the southeasterly line of the lands of Silveira, as said lands are described in that certain Grant Deed recorded on November 3, 1967 in Reel 2068 at image 141, Alameda County Records, and the **TRUE POINT OF BEGINNING**;

thence South  $55^{\circ}12'41''$  East, 61.58 feet to a point of cusp with a curve to the left, from which point a radial line, from the curve to the radius point, bears South  $28^{\circ}16'02''$  West;

thence along said curve having a radius of 15.00 feet, through a central angle of  $69^{\circ}05'43''$  and an arc length of 18.09 feet;

thence South  $49^{\circ}10'19''$  West, 329.66 feet to the northeasterly line of the parcel described as "(B)" in the Quitclaim Deed to Fred H. Slater and Virginia Slater, recorded on January 18, 1946 in Book 4832 of Official Records at page 53, Alameda County Records;

thence along last said northeasterly line, North  $40^{\circ}49'41''$  West, 23.44 feet to the most northerly corner of said parcel "(B)";

thence along the northwesterly line of said parcel "(B)" and along the northwesterly line of the land described in that certain Grant Deed recorded on December 13, 1979 as Document Number 79-252704, Official Records Alameda County, South  $49^{\circ}10'19''$  West, 160.00 feet to the most westerly corner of said land described in said Document Number 79-252704;

thence along the southwesterly line of said land described in said Document Number 79-252704, South  $40^{\circ}49'41''$  East, 23.44 feet;

thence South  $49^{\circ}10'19''$  West, 200.00 feet;

thence South  $40^{\circ}49'41''$  East, 2.00 feet;

thence South  $49^{\circ}10'19''$  West, 220.97 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by

the U.S. District Court;

thence along last said common line, North 43°18'22" West, 52.05 feet to the southeasterly line of the lands of Silveira, as said lands are described in that certain Grant Deed recorded on November 3, 1967 in Reel 2068 at image 141, Alameda County Records;

thence along last said southeasterly line, North 49°10'19" East, 911.59 feet to the **TRUE POINT OF BEGINNING**, containing an area of 42,563 square feet or 0.98 acres, more or less.

#### **Parcel 9 (P/S2)**

A parcel of land in Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court said parcel situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "SHIP" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2115136.166, Easting = 6052732.398, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 82°51'11" West, 544.09 feet to a point on the northwesterly prolongation of the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey;

thence along last said northwesterly prolongation, along said line, South 76°31'20" East, 668.30 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court and the **TRUE POINT OF BEGINNING**;

thence continuing along said southerly line of said Embarcadero, South 76°31'20" East, 15.15 feet;

thence continuing along last said line, South 61°43'52" East, 29.06 feet to the northwesterly line of the lands of Silveira, as said lands are described in that certain Grant Deed recorded on November 3, 1967 in Reel 2068 at image 141, Alameda County Records;

thence along last said northwesterly line, South 49°10'19" West, 7.38 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from


the curve to the radius point, bears South 24°52'24" West;

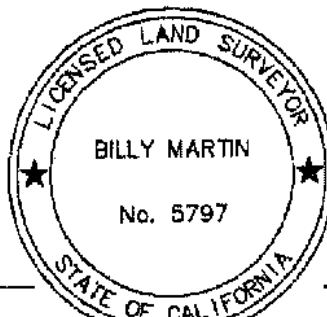
thence westerly along said curve having a radius of 512.00 feet, through a central angle of 4°24'15" and an arc length of 39.36 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

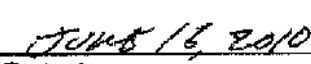
thence along last said common line, North 12°41'38" East, 7.13 feet to the **TRUE POINT OF BEGINNING**, containing an area of 330 square feet or 0.01 acres, more or less.

Basis of Bearings: All bearings shown on this survey are based on upon the California Coordinate System of 1983 (CCS83), Epoch 1986, Zone III. Held record CCS83 coordinate Northing = 2115136.166, Easting = 6052732.398, at point "SHIP", and the calculated bearing South 72°09'16" East to point "H133" having CCS83 coordinate Northing = 2114243.395, Easting = 6055505.473. The two monuments, "SHIP" and "H133" are shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California. All distances are ground distances. To obtain grid distances, multiply ground distances shown by 0.9999293.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.

  
Billy Martin, P.L.S. 5797



  
Dated

**END OF DESCRIPTION**

## EXHIBIT L

### EXHIBIT M LAND DESCRIPTION

AD 548

#### AFTER-ACQUIRED LANDS

Three parcels of land situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

##### **Parcel 1 (Clinton Basin Area, P-2)**

A parcel of land in Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court said parcel situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "SHIP" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2115136.166, Easting = 6052732.398, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 82°51'11" West, 544.09 feet to a point on the northwesterly prolongation of the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey;

thence along last said northwesterly prolongation, along said line, South 76°31'20" East, 683.45 feet;

thence continuing along last said southerly line, South 61°43'52" East, 262.27 feet to the southeasterly line of the lands of Silveira, as said lands are described in that certain Grant Deed recorded on November 3, 1967 in Reel 2068 at image 141, Alameda County Records, and the **TRUE POINT OF BEGINNING**;

thence continuing along said southerly line of the Embarcadero, South 61°43'52" East, 63.81 feet to the beginning of a tangent curve to the left;

thence continuing along last said line, along said curve having a radius of 2,174.00 feet, through a central angle of 14°46'00" and an arc length of 560.30 feet;

thence continuing along last said line, South 76°29'52" East, 404.95 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

thence along last said common line the following ten (10) courses,  
South 34°33'22" East, 208.16 feet;

thence South 28°56'38" West, 362.97 feet;

thence South 38°26'38" West, 409.17 feet;

thence South 52°26'38" West, 164.99 feet;

thence South 2°48'22" East, 72.59 feet;

thence South 32°26'38" West, 362.97 feet;

thence South 65°56'38" West, 89.09 feet;

thence North 50°18'22" West, 481.77 feet;

thence North 34°48'22" West, 624.98 feet;

thence North 43°18'22" West, 319.32 feet to the southeasterly line of the lands of Silveira, as said lands are described in that certain Grant Deed recorded on November 3, 1967 in Reel 2068 at image 141, Alameda County Records;

thence along last said southeasterly line, North 49°10'19" East, 911.59 feet to the **TRUE POINT OF BEGINNING**;

#### EXCEPTING THEREFROM

All of the land described in that certain deed recorded on December 13, 1979 as Document Number 79-252704, Official Records, Alameda County, State of California.

#### ALSO EXCEPTING THEREFROM

All of the parcel described as "(B)" in the Quitclaim Deed to Fred H. Slater and Virginia Slater, recorded on January 18, 1946 in Book 4832 of Official Records at page 53, Alameda County Records;

Containing an area of 1,566,541 square feet or 35.96 acres, more or less.



**Parcel 2 (Channel Park Area, P-3)**

A parcel of land in Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court said parcel situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "SHIP" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2115136.166, Easting = 6052732.398, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 82°51'11" West, 544.09 feet to the northwesterly prolongation of the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey;

thence along said northwesterly prolongation, along said line, South 76°31'20" East, 668.30 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court, and the **TRUE POINT OF BEGINNING**;

thence continuing along said southerly line of Embarcadero, South 76°31'20" East, 15.15 feet;

thence continuing along last said line, South 61°43'52" East, 29.06 feet to the northwesterly line of the lands of Silveira, as said lands are described in that certain Grant Deed recorded on November 3, 1967 in Reel 2068 at image 141, Alameda County Records;

thence along last said northwesterly line, South 49°10'19" West, 72.57 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

thence along last said common line, North 12°41'38" East, 66.36 feet to the **TRUE POINT OF BEGINNING**, containing an area of 1,488 square feet or 0.03 acres, more or less.

### **Parcel 3 (Estuary Park Area, P-1)**

A parcel of land in Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court said parcel situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "SHIP" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2115136.166, Easting = 6052732.398, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North  $82^{\circ}51'11''$  West, 544.09 feet to the northwesterly prolongation of the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey;

thence along said northwesterly prolongation, North  $76^{\circ}31'20''$  West, 258.45 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 9,532.63 feet, through a central angle of  $3^{\circ}07'29''$  and an arc length of 519.88 feet;

thence North  $51^{\circ}44'16''$  East, 14.03 feet;

thence North  $71^{\circ}20'21''$  West, 20.99 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court, and the **TRUE POINT OF BEGINNING**;

thence along said common line the following four (4) courses,  
South  $28^{\circ}41'38''$  West, 213.06 feet;

thence South  $42^{\circ}56'38''$  West, 745.80 feet;

thence North  $82^{\circ}33'22''$  West, 92.40 feet;

thence North  $44^{\circ}03'22''$  West, 88.16 feet to the southwesterly prolongation of the southeasterly line of Tract 4391, as said tract is shown on that certain map entitled "TRACT 4391 FOR CONDOMINIUM PURPOSES", filed for record on October 30, 1980, in Book 122 of Maps at pages 60 and 61, Alameda County Records;

thence along last said southwesterly prolongation, along said southeasterly line, and along the northeasterly prolongation of said southeasterly line,  
North  $27^{\circ}24'49''$  East, 782.94 feet;

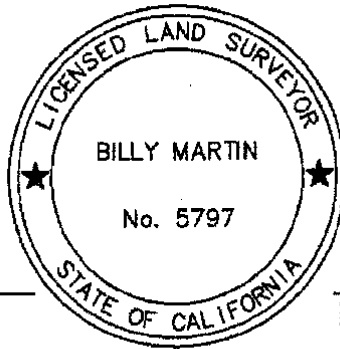
thence North 66°09'14" East, 60.37 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 200.00 feet, through a central angle of 42°30'25" and an arc length of 148.38 feet;

thence South 71°20'21" East, 214.04 feet to the **TRUE POINT OF BEGINNING**, containing an area of 260,775 square feet or 5.99 acres, more or less.

Basis of Bearings: All bearings shown on this survey are based on upon the California Coordinate System of 1983 (CCS83), Epoch 1986, Zone III. Held record CCS83 coordinate Northing = 2115136.166, Easting = 6052732.398, at point "SHIP", and the calculated bearing South 72°09'16" East to point "H133" having CCS83 coordinate Northing = 2114243.395, Easting = 6055505.473. The two monuments, "SHIP" and "H133" are shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California. All distances are ground distances. To obtain grid distances, multiply ground distances shown by 0.9999293.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.



  
Billy Martin, P.L.S. 5797

  
Dated

**END OF DESCRIPTION**

## EXHIBIT M

### EXHIBIT P LAND DESCRIPTION

AD 548

#### GRANTED LANDS

One parcel of land situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

#### Parcel 1 (S-1)

A parcel of filled tide, tide and submerged land in the bed of San Antonio Estuary situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "H133" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2114243.395, Easting = 6055505.473, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 78°53'23" West, 366.53 feet to the intersection of the northwesterly line of Homewood Suites Lease Boundary, as said boundary is described in that certain lease between the Port of Oakland and JBN Lodging, recorded on January 2, 1997 as Document Number 97000487, Alameda County Records, with the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey, said intersection being the **TRUE POINT OF BEGINNING**;

thence along last said northwesterly line of Homewood Suites Lease Boundary, and the southwesterly prolongation thereof, South 65°32'30" West, 365.13 feet;

thence South 26°30'11" West, 208.87 feet to a point on a line perpendicular to the southerly line of the Oakland City limits;

thence southerly along last said line, South 24°28'12" East, 316.70 feet, more or less, to a point on the southerly line of the Oakland City limits;

thence southwesterly along said City Limits line, South 65°31'48" West, 1,699.31 feet, more or less, to a point on the southeasterly prolongation of the easterly 1960 Grant Line, Chapter 15, Statutes of 1960;

thence northwesterly along said southeasterly prolongation, along said line and along the northwesterly prolongation of said line, North 58°23'19" West, 3,166.58 feet, more or less, to a point on the southwesterly prolongation of the southeasterly line of Tract 4391, as said tract is shown on that certain map

entitled "TRACT 4391 FOR CONDOMINIUM PURPOSES", filed for record on October 30, 1980, in Book 122 of Maps at pages 60 and 61, Alameda County Records;

thence northeasterly along last said southwesterly prolongation of said southeasterly line, North 27°24'49" East, 127.73 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

thence along said common line the following four (4) courses,  
South 44°03'22" East, 88.16 feet;

thence South 82°33'22" East, 92.40 feet;

thence North 42°56'38" East, 745.80 feet;

thence North 28°41'38" East, 213.06 feet;

thence South 71°20'21" East, 20.99 feet;

thence South 51°44'16" West, 14.03 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears North 16°36'09" East;

thence along said curve having a radius of 9,532.63 feet, through a central angle of 3°07'29" and an arc length of 519.88 feet to the northwesterly prolongation of the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey;

thence along said northwesterly prolongation, along said southerly line, South 76°31'20" East, 926.75 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

thence along last said common line, South 12°41'38" West, 66.36 feet to the northwesterly line of the lands of Silveira, as said lands are described in that certain Grant Deed recorded on November 3, 1967 in Reel 2068 at image 141, Alameda County Records;

thence along last said northwesterly line, South 49°10'19" West, 590.15 feet;

thence continuing along last said line, South 40°49'41" East, 23.60 feet;

thence continuing along last said line, South 49°10'19" West, 343.45 feet to the

most westerly corner of said lands of Silveira;

thence along the southerly line last said lands, South 46°34'41" East, 195.25 feet to the most southerly corner of said lands;

thence along the southeasterly line of said lands of Silveira, North 49°10'19" East, 158.22 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

thence along last said common line the following ten (10) courses, South 43°18'22" East, 319.32 feet;

thence South 34°48'22" East, 624.98 feet;

thence South 50°18'22" East, 481.77 feet;

thence North 65°56'38" East, 89.09 feet;

thence North 32°26'38" East, 362.97 feet;

thence North 02°48'22" West, 72.59 feet;

thence North 52°26'38" East, 164.99 feet;

thence North 38°26'38" East, 409.17 feet;

thence North 28°56'38" East, 362.97 feet;

thence North 34°33'22" West, 208.16 feet to the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey;

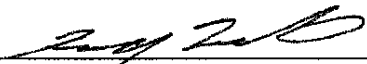
thence along said southerly line, South 76°29'52" East, 566.34 feet to the beginning of a tangent curve to the right;

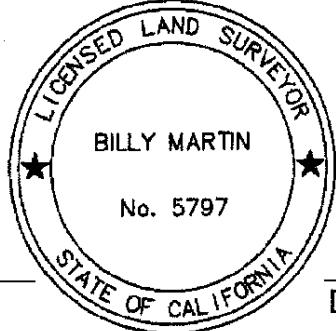
thence continuing along said southerly line, along said curve having a radius of 7,326.00 feet, through a central angle of 4°20'54" and an arc length of 555.99 feet to the **TRUE POINT OF BEGINNING**, containing an area of 3,558,963 square feet or 81.70 acres, more or less.

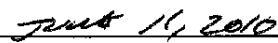
Basis of Bearings: All bearings shown on this survey are based on upon the California Coordinate System of 1983 (CCS83), Epoch 1986, Zone III. Held

record CCS83 coordinate Northing = 2115136.166, Easting = 6052732.398, at point "SHIP", and the calculated bearing South 72°09'16" East to point "H133" having CCS83 coordinate Northing = 2114243.395, Easting = 6055505.473. The two monuments, "SHIP" and "H133" are shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California. All distances are ground distances. To obtain grid distances, multiply ground distances shown by 0.9999293.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.

  
Billy Martin, P.L.S. 5797



  
Dated

**END OF DESCRIPTION**

## EXHIBIT N

### EXHIBIT S LAND DESCRIPTION

AD 548

#### CERTAIN GRANTED LANDS AND AFTER-ACQUIRED LANDS TO BE CONFIRMED BY THE STATE

One parcel of land situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

##### **Parcel 1 (S-1, P-1A, P-2A, P-3A)**

A parcel of filled tide, tide and submerged land in the bed of San Antonio Estuary and a portion of land in Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court said parcel situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "H133" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2114243.395, Easting = 6055505.473, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 78°53'23" West, 366.53 feet to the intersection of the northwesterly line of Homewood Suites Lease Boundary, as said boundary is described in that certain lease between the Port of Oakland and JBN Lodging, recorded on January 2, 1997 as Document Number 97000487, Alameda County Records, with the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey, said intersection being the **TRUE POINT OF BEGINNING**;

thence along last said northwesterly line of Homewood Suites Lease Boundary, and the southwesterly prolongation thereof, South 65°32'30" West, 365.13 feet;

thence South 26°30'11" West, 208.87 feet to a point on a line perpendicular to the southerly line of the Oakland City limits;

thence southerly along last said line, South 24°28'12" East, 316.70 feet, more or less, to a point on the southerly line of the Oakland City limits;

thence southwesterly along said City Limits line, South 65°31'48" West, 1,699.31 feet, more or less, to a point on the southeasterly prolongation of the easterly 1960 Grant Line, Chapter 15, Statutes of 1960;



thence northwesterly along said southeasterly prolongation, along said line and along the northwesterly prolongation of said line, North  $58^{\circ}23'19''$  West, 3,166.58 feet, more or less, to a point on the southwesterly prolongation of the southeasterly line of Tract 4391, as said tract is shown on that certain map entitled "TRACT 4391 FOR CONDOMINIUM PURPOSES", filed for record on October 30, 1980, in Book 122 of Maps at pages 60 and 61, Alameda County Records;

thence northeasterly along last said southwesterly prolongation, and along said southeasterly line, North  $27^{\circ}24'49''$  East, 606.74 feet;

thence South  $62^{\circ}35'11''$  East, 301.35 feet;

thence North  $27^{\circ}24'49''$  East, 427.29 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 15.00 feet, through a central angle of  $98^{\circ}45'10''$  and an arc length of 25.85 feet;

thence South  $71^{\circ}20'21''$  East, 112.88 feet;

thence South  $51^{\circ}44'16''$  West, 14.03 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears North  $16^{\circ}36'09''$  East;

thence along said curve having a radius of 9,532.63 feet, through a central angle of  $3^{\circ}07'29''$  and an arc length of 519.88 feet to the northwesterly prolongation of the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey;

thence along said northwesterly prolongation, along said southerly line, South  $76^{\circ}31'20''$  East, 926.75 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

thence along last said common line, South  $12^{\circ}41'38''$  West, 7.13 feet to the beginning of a non-tangent curve to the right, from which point a radial line, from the curve to the radius point, bears South  $20^{\circ}28'09''$  West;

thence easterly along said curve having a radius of 512.00 feet, through a central angle of  $4^{\circ}24'15''$  and an arc length of 39.36 feet to the northwesterly line of the lands of Silveira, as said lands are described in that certain Grant Deed recorded on November 3, 1967 in Reel 2068 at image 141, Alameda County Records;

thence along last said northwesterly line, South  $49^{\circ}10'19''$  West, 655.33 feet;

thence continuing along last said line, South 40°49'41" East, 23.60 feet;

thence continuing along last said line, South 49°10'19" West, 343.45 feet to the most westerly corner of said lands of Silveira;

thence along the southerly line last said lands, South 46°34'41" East, 195.25 feet to the most southerly corner of said lands;

thence along the southeasterly line of said lands of Silveira, North 49°10'19" East, 44.02 feet;

thence South 40°49'41" East, 53.00 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 51.00 feet, through a central angle of 180°00'00" and an arc length of 160.22 feet;

thence North 40°49'41" West, 1.00 feet;

thence North 49°10'19" East, 235.41 feet;

thence South 40°49'41" East, 196.00 feet;

thence North 49°10'19" East, 32.00 feet;

thence South 40°49'41" East, 50.00 feet;

thence North 49°10'19" East, 625.00 feet;

thence North 40°49'41" West, 248.00 feet;

thence North 49°10'19" East, 32.66 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 15.00 feet, through a central angle of 69°05'43" and an arc length of 18.09 feet;

thence South 61°43'58" East, 68.53 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 1,992.00 feet, through a central angle of 9°12'42" and an arc length of 320.26 feet to a point of reverse curvature;

thence along said curve having a radius of 15.00 feet, through a central angle of 88°43'49" and an arc length of 23.23 feet;

thence South 17°47'09" West, 48.55 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 75.00 feet, through a central angle of 42°14'39" and an arc length of 55.30 feet;

thence South 24°27'30" East, 142.89 feet;

thence South 49°10'19" West, 690.00 feet;

thence South 40°49'41" East, 196.50 feet;

thence North 65°32'30" East, 142.44 feet;

thence South 24°27'30" East, 12.00 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears South 24°27'30" East;

thence southerly along said curve having a radius of 73.00 feet, through a central angle of 128°00'00" and an arc length of 163.08 feet;

thence South 62°27'30" East, 351.97 feet;

thence North 65°32'30" East, 23.24 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

thence along last said common line the following five (5) courses,  
North 2°48'22" West, 47.04 feet;

thence North 52°26'38" East, 164.99 feet;

thence North 38°26'38" East, 409.17 feet;

thence North 28°56'38" East, 362.97 feet;

thence North 34°33'22" West, 208.16 feet to the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey;

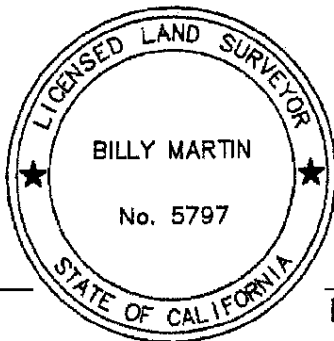
thence along last said southerly line, South 76°29'52" East, 566.34 feet to the beginning of a tangent curve to the right;

thence continuing along last said southerly line, along said curve having a radius of 7,326.00 feet, through a central angle of 4°20'54" and an arc length of 555.99

feet to the **TRUE POINT OF BEGINNING**, containing an area of 4,406,298 square feet or 101.15 acres, more or less.

Basis of Bearings: All bearings shown on this survey are based on upon the California Coordinate System of 1983 (CCS83), Epoch 1986, Zone III. Held record CCS83 coordinate Northing = 2115136.166, Easting = 6052732.398, at point "SHIP", and the calculated bearing South 72°09'16" East to point "H133" having CCS83 coordinate Northing = 2114243.395, Easting = 6055505.473. The two monuments, "SHIP" and "H133" are shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California. All distances are ground distances. To obtain grid distances, multiply ground distances shown by 0.9999293.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.



  
Billy Martin, P.L.S. 5797

June 16, 2010  
Dated

**END OF DESCRIPTION**

## EXHIBIT O

### EXHIBIT X LAND DESCRIPTION

AD 548

#### TRUST TERMINATION PARCELS (AFTER-ACQUIRED LANDS)

Five parcels of land situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

##### **Parcel 1 (P/N)**

A parcel of land in Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court said parcel situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "SHIP" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2115136.166, Easting = 6052732.398, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 82°51'11" West, 544.09 feet;

thence North 76°31'20" West, 258.45 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 9,532.63 feet, through a central angle of 3°07'29" and an arc length of 519.88 feet;

thence North 51°44'16" East, 14.03 feet;

thence North 71°20'21" West, 112.88 feet to the **TRUE POINT OF BEGINNING**;

thence North 71°20'21" West, 122.15 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 200.00 feet, through a central angle of 42°30'25" and an arc length of 148.38 feet;

thence South 66°09'14" West, 60.37 feet to the northeasterly projection of the southeasterly line of Tract 4391, as said tract is shown on that certain map entitled "TRACT 4391 FOR CONDOMINIUM PURPOSES", filed for record on October 30, 1980, in Book 122 of Maps at pages 60 and 61, Alameda County Records;

thence along said northeasterly projection and said line, South 27°24'49" West, 303.93 feet;

thence South 62°35'11" East, 301.35 feet;

thence North 27°24'49" East, 427.29 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 15.00 feet, through a central angle of 98°45'10" and an arc length of 25.85 feet to the **TRUE POINT OF BEGINNING**, containing an area of 122,169 square feet or 2.80 acres, more or less.

## **Parcel 2 (P/K)**

A parcel of land in Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court said parcel situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "SHIP" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2115136.166, Easting = 6052732.398, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 82°51'11" West, 544.09 feet;

thence South 76°31'20" East, 683.45 feet;

thence South 61°43'52" East, 262.27 feet;

thence South 55°12'41" East, 61.58 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears South 28°16'02" West;

thence along said curve having a radius of 15.00 feet, through a central angle of 69°05'43" and an arc length of 18.09 feet;

thence South 49°10'19" West, 32.66 feet to the **TRUE POINT OF BEGINNING**;

thence South 40°49'41" East, 248.00 feet;

thence South 49°10'19" West, 625.00 feet;

thence North 40°49'41" West, 50.00 feet;

thence South 49°10'19" West, 32.00 feet;

thence North 40°49'41" West, 198.00 feet;

thence North 49°10'19" East, 200.00 feet to the southwesterly line of the land described in that certain Grant Deed recorded on December 13, 1979 as Document Number 79-252704, Official Records Alameda County;

thence along last said southwesterly line, South 40°49'41" East 116.56 feet, to the most southerly corner of said land described in said Document Number 79-252704;

thence along the southeasterly line of said land described in said Document Number 79-252704 and the southeasterly line of the parcel described as "(B)" in the Quitclaim Deed to Fred H. Slater and Virginia Slater, recorded on January 18, 1946 in Book 4832 of Official Records at page 53, Alameda County Records, North 49°10'19" East 160.00 feet to the most easterly corner of said parcel "(B)";

thence along the northeasterly line of said parcel "(B)", North 40°49'41" West, 116.56 feet;

thence North 49°10'19" East, 297.00 feet to the **TRUE POINT OF BEGINNING**, containing an area of 142,687 square feet or 3.28 acres, more or less.

### **Parcel 3 (P/H)**

A parcel of land in Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court said parcel situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "H133" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2114243.395, Easting = 6055505.473, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 78°53'23" West, 366.53 feet;

thence South 65°32'30" West, 36.61 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears South 1°06'18" East;

thence along said curve having a radius of 398.00 feet, through a central angle of 3°18'25" and an arc length of 22.97 feet;

thence South 85°35'17" West, 149.96 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 545.00 feet, through a central angle of 20°47'36" and an arc length of 197.79 feet to a point of cusp, with a curve to the right, from which point a radial line, from the curve to the radius point, bears South 16°22'53" West;

thence southeasterly along said curve having a radius of 18.00 feet, through a central angle of 95°33'30" and an arc length of 30.02 feet;

thence South 21°56'23" West, 50.00 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 70.00 feet, through a central angle of 43°36'07" and an arc length of 53.27 feet;

thence South 65°32'30" West, 934.64 feet;

thence North 24°27'30" West, 346.00 feet to the **TRUE POINT OF BEGINNING**;

thence South 65°32'30" West, 606.65 feet;

thence North 40°49'41" West, 196.50 feet;

thence North 49°10'19" East, 690.00 feet;

thence South 24°27'30" East, 383.00 feet to the **TRUE POINT OF BEGINNING**, containing an area of 183,968 square feet or 4.22 acres, more or less.



#### **Parcel 4 (P/B1)**

A parcel of land in Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court said parcel situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "H133" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2114243.395, Easting = 6055505.473, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North  $78^{\circ}53'23''$  West, 366.53 feet;

thence South  $65^{\circ}32'30''$  West, 36.61 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears South  $1^{\circ}06'18''$  East;

thence along said curve having a radius of 398.00 feet, through a central angle of  $3^{\circ}18'25''$  and an arc length of 22.97 feet;

thence South  $85^{\circ}35'17''$  West, 149.96 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 545.00 feet, through a central angle of  $30^{\circ}04'45''$  and an arc length of 286.11 feet;

thence North  $64^{\circ}19'58''$  West, 338.14 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 972.00 feet, through a central angle of  $12^{\circ}11'41''$  and an arc length of 206.88 feet;

thence North  $76^{\circ}31'39''$  West, 90.54 feet to the **TRUE POINT OF BEGINNING**, said point also being a point on the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

thence along last said common line, South  $34^{\circ}33'22''$  East, 182.25 feet;

thence continuing along last said common line, South  $28^{\circ}56'38''$  West, 362.97 feet;

thence continuing along last said common line, South  $38^{\circ}26'38''$  West, 188.61

feet;

thence leaving last said common line, North  $24^{\circ}27'30''$  West, 729.91 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 15.00 feet, through a central angle of  $28^{\circ}14'39''$  and an arc length of 7.39 feet;

thence North  $3^{\circ}47'09''$  East, 20.39 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 35.00 feet, through a central angle of  $101^{\circ}12'29''$  and an arc length of 61.82 feet to a point of reverse curvature;

thence along said curve having a radius of 1,992.00 feet, through a central angle of  $1^{\circ}31'17''$  and an arc length of 52.89 feet;

thence South  $76^{\circ}31'39''$  East, 407.69 feet to the **TRUE POINT OF BEGINNING**, containing an area of 224,208 square feet or 5.15 acres, more or less.

#### **Parcel 5 (P/D1)**

A parcel of land in Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court said parcel situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "H133" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2114243.395, Easting = 6055505.473, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North  $78^{\circ}53'23''$  West, 366.53 feet;

thence South  $65^{\circ}32'30''$  West, 36.61 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears South  $1^{\circ}06'18''$  East;

thence along said curve having a radius of 398.00 feet, through a central angle of  $3^{\circ}18'25''$  and an arc length of 22.97 feet;

thence South  $85^{\circ}35'17''$  West, 149.96 feet to the beginning of a tangent curve to

the right;

thence along said curve having a radius of 545.00 feet, through a central angle of  $20^{\circ}47'36''$  and an arc length of 197.79 feet to a point of cusp with a curve to the right, from which point a radial line, from the curve to the radius point, bears South  $16^{\circ}22'53''$  West;

thence southeasterly along said curve having a radius of 18.00 feet, through a central angle of  $95^{\circ}33'30''$  and an arc length of 30.02 feet;

thence South  $21^{\circ}56'23''$  West, 50.00 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 70.00 feet, through a central angle of  $43^{\circ}36'07''$  and an arc length of 53.27 feet;

thence South  $65^{\circ}32'30''$  West, 1,123.54 feet to the **TRUE POINT OF BEGINNING**, said point also being a point on the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

thence leaving last said common line, South  $65^{\circ}32'30''$  West, 68.99 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 70.00 feet, through a central angle of  $52^{\circ}00'00''$  and an arc length of 63.53 feet;

thence North  $62^{\circ}27'30''$  West, 277.54 feet;

thence North  $1^{\circ}32'30''$  East, 44.94 feet;

thence North  $65^{\circ}32'30''$  East, 464.21 feet;

thence South  $24^{\circ}27'30''$  East, 213.10 feet to a point on the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

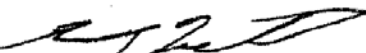
thence along last said common line, South  $38^{\circ}26'38''$  West, 116.54 feet;

thence continuing along last said common line, South  $52^{\circ}26'38''$  West, 87.42 feet to the **TRUE POINT OF BEGINNING**, containing an area of 108,617 square feet or 2.49 acres, more or less.

Basis of Bearings: All bearings shown on this survey are based on upon the California Coordinate System of 1983 (CCS83), Epoch 1986, Zone III. Held record CCS83 coordinate Northing = 2115136.166, Easting = 6052732.398, at point "SHIP", and the calculated bearing South 72°09'16" East to point "H133" having CCS83 coordinate Northing = 2114243.395, Easting = 6055505.473. The two monuments, "SHIP" and "H133" are shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California. All distances are ground distances. To obtain grid distances, multiply ground distances shown by 0.9999293.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.



  
Billy Martin, P.L.S. 5797

June 16, 2010  
Dated

**END OF DESCRIPTION**

**EXHIBIT P**

**EXHIBIT EE  
LAND DESCRIPTION**

**AD 548**

**PUBLIC TRUST EASEMENT STREET PARCELS (AFTER-ACQUIRED LANDS)**

Four parcels of land situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**Parcel 6 (P/R1)**

A parcel of land in Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court said parcel situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "H133" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2114243.395, Easting = 6055505.473, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 78°53'23" West, 366.53 feet to the intersection of the northwesterly line of Homewood Suites Lease Boundary, as said boundary is described in that certain lease between the Port of Oakland and JBN Lodging, recorded on January 2, 1997 as Document Number 97000487, Alameda County Records, with the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey;

thence along last said northwesterly line of Homewood Suites Lease boundary, South 65°32'30" West, 36.61 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears South 1°06'18" East;

thence along said curve having a radius of 398.00 feet, through a central angle of 3°18'25" and an arc length of 22.97 feet;

thence South 85°35'17" West, 149.96 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 545.00 feet, through a central angle of 30°04'45" and an arc length of 286.11 feet;

thence North 64°19'58" West, 338.14 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 972.00 feet, through a central angle of 12°11'41" and an arc length of 206.88 feet;

thence North 76°31'39" West, 90.54 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court, and the **TRUE POINT OF BEGINNING**;

thence North 76°31'39" West, 407.69 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 1,992.00 feet, through a central angle of 14°47'41" and an arc length of 514.37 feet;

thence North 61°43'58" West, 68.53 feet;

thence North 55°12'41" West, 61.58 feet to the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey;

thence along last said southerly line, South 61°43'52" East, 63.81 feet to the beginning of a tangent curve to the left;

thence continuing along last said southerly line, along said curve having a radius of 2,174.00 feet, through a central angle of 14°46'00" and an arc length of 560.30 feet;

thence continuing along last said southerly line, South 76°29'52" East, 404.95 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court

thence along last said common line, South 34°33'22" East, 25.91 feet to the **TRUE POINT OF BEGINNING**, containing an area of 14,716 square feet or 0.34 acres, more or less.

### **Parcel 7 (P/T1)**

A parcel of land in Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court said parcel situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "H133" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2114243.395, Easting = 6055505.473, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North  $78^{\circ}53'23''$  West, 366.53 feet to the intersection of the northwesterly line of Homewood Suites Lease Boundary, as said boundary is described in that certain lease between the Port of Oakland and JBN Lodging, recorded on January 2, 1997 as Document Number 97000487, Alameda County Records, with the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey;

thence along last said northwesterly line of Homewood Suites Lease boundary, South  $65^{\circ}32'30''$  West, 36.61 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears South  $1^{\circ}06'18''$  East;

thence along said curve having a radius of 398.00 feet, through a central angle of  $3^{\circ}18'25''$  and an arc length of 22.97 feet;

thence South  $85^{\circ}35'17''$  West, 149.96 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 545.00 feet, through a central angle of  $30^{\circ}04'45''$  and an arc length of 286.11 feet;

thence North  $64^{\circ}19'58''$  West, 338.14 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 972.00 feet, through a central angle of  $12^{\circ}11'41''$  and an arc length of 206.88 feet;

**Parcel 7 (P/T1) (continued)**

thence North 76°31'39" West, 498.23 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 1,992.00 feet, through a central angle of 1°31'17" and an arc length of 52.89 feet to the **TRUE POINT OF BEGINNING**, said point also being a point of reverse curvature;

thence along said curve having a radius of 35.00 feet, through a central angle of 101°12'29" and an arc length 61.82 feet;

thence South 3°47'09" West, 20.39 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 15.00 feet, through a central angle of 28°14'39" and an arc length of 7.39 feet;

thence South 24°27'30" East, 729.91 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

thence along last said common line, South 38°26'38" West, 104.02 feet;

thence North 24°27'30" West, 213.10 feet;

thence South 65°32'30" West, 464.21 feet;

thence South 1°32'30" West, 44.94 feet;

thence South 62°27'30" East, 277.54 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 70.00 feet, through a central angle of 52°00'00" and an arc length of 63.53 feet;

thence North 65°32'30" East, 68.99 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

thence along last said common line, South 52°26'38" West, 77.57 feet;

thence continuing along last said common line, South 2°48'22" East, 47.04 feet;



**Parcel 7 (P/T1) (continued)**

thence South 65°32'30" West, 23.24 feet;

thence North 62°27'30" West, 351.97 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 73.00 feet, through a central angle of 128°00'00" and an arc length of 163.08 feet;

thence North 24°27'30" West, 12.00 feet;

thence North 65°32'30" East, 464.21 feet;

thence North 24°27'30" West, 525.89 feet to the beginning of a tangent curve to the right;

thence along said curve having a radius of 75.00 feet, through a central angle of 42°14'39" and an arc length of 55.30 feet;

thence North 17°47'09" East, 48.55 feet to the beginning of a tangent curve to the left;

thence along said curve having a radius of 15.00 feet, through a central angle of 88°43'49" and an arc length of 23.23 feet to a point of cusp with a curve to the left, from which point a radial line, from the curve to the radius point, bears North 19°03'20" East;

thence along said curve having a radius of 1,992.00 feet, through a central angle of 4°03'42" and an arc length of 141.21 feet to the **TRUE POINT OF BEGINNING**, containing an area of 132,026 square feet or 3.03 acres, more or less.

**Parcel 8 (P/U1)**

A parcel of land in Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court said parcel situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "SHIP" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2115136.166, Easting = 6052732.398, as shown on the Record of Survey of the port area of the City of Oakland, R/S

**Parcel 8 (P/U1) (continued)**

No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 82°51'11" West, 544.09 feet to a point on the northwesterly prolongation of the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey;

thence along last said northwesterly prolongation, along said line, South 76°31'20" East, 683.45 feet;

thence continuing along last said southerly line, South 61°43'52" East, 262.27 feet to the southeasterly line of the lands of Silveira, as said lands are described in that certain Grant Deed recorded on November 3, 1967 in Reel 2068 at image 141, Alameda County Records, and the **TRUE POINT OF BEGINNING**;

thence South 55°12'41" East, 61.58 feet to a point of cusp with a curve to the left, from which point a radial line, from the curve to the radius point, bears South 28°16'02" West;

thence along said curve having a radius of 15.00 feet, through a central angle of 69°05'43" and an arc length of 18.09 feet;

thence South 49°10'19" West, 329.66 feet to the northeasterly line of the parcel described as "(B)" in the Quitclaim Deed to Fred H. Slater and Virginia Slater, recorded on January 18, 1946 in Book 4832 of Official Records at page 53, Alameda County Records;

thence along last said northeasterly line, North 40°49'41" West, 23.44 feet to the most northerly corner of said parcel "(B)";

thence along the northwesterly line of said parcel "(B)" and along the northwesterly line of the land described in that certain Grant Deed recorded on December 13, 1979 as Document Number 79-252704, Official Records Alameda County, South 49°10'19" West, 160.00 feet to the most westerly corner of said land described in said Document Number 79-252704;

thence along the southwesterly line of said land described in said Document Number 79-252704, South 40°49'41" East, 23.44 feet;

thence South 49°10'19" West, 200.00 feet;

thence South 40°49'41" East, 2.00 feet;

thence South 49°10'19" West, 220.97 feet to the common line between, filled tide

and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

thence along last said common line, North 43°18'22" West, 52.05 feet to the southeasterly line of the lands of Silveira, as said lands are described in that certain Grant Deed recorded on November 3, 1967 in Reel 2068 at image 141, Alameda County Records;

thence along last said southeasterly line, North 49°10'19" East, 911.59 feet to the **TRUE POINT OF BEGINNING**, containing an area of 42,563 square feet or 0.98 acres, more or less.

#### **Parcel 9 (P/S2)**

A parcel of land in Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court said parcel situate in the City of Oakland, County of Alameda, State of California and being more particularly described as follows:

**BEGINNING** at Monument "SHIP" having California Coordinate System of 1983, CCS83, Zone III, coordinate of Northing = 2115136.166, Easting = 6052732.398, as shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California;

thence North 82°51'11" West, 544.09 feet to a point on the northwesterly prolongation of the southerly line of the Embarcadero, as said Embarcadero is shown on said record of survey;

thence along last said northwesterly prolongation, along said line, South 76°31'20" East, 668.30 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court and the **TRUE POINT OF BEGINNING**;

thence continuing along said southerly line of said Embarcadero, South 76°31'20" East, 15.15 feet;

thence continuing along last said line, South 61°43'52" East, 29.06 feet to the northwesterly line of the lands of Silveira, as said lands are described in that certain Grant Deed recorded on November 3, 1967 in Reel 2068 at image 141, Alameda County Records;

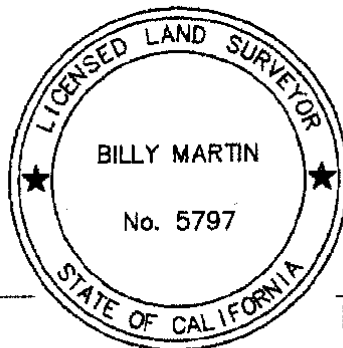
thence along last said northwesterly line, South 49°10'19" West, 7.38 feet to the beginning of a non-tangent curve to the left, from which point a radial line, from the curve to the radius point, bears South 24°52'24" West;

thence westerly along said curve having a radius of 512.00 feet, through a central angle of 4°24'15" and an arc length of 39.36 feet to the common line between, filled tide and submerged land in the historic bed of San Antonio Estuary, and Rancho San Antonio as located by the U.S. Surveyor General, approved October 4, 1871 by the U.S. District Court;

thence along last said common line, North 12°41'38" East, 7.13 feet to the **TRUE POINT OF BEGINNING**, containing an area of 330 square feet or 0.01 acres, more or less.

Basis of Bearings: All bearings shown on this survey are based on upon the California Coordinate System of 1983 (CCS83), Epoch 1986, Zone III. Held record CCS83 coordinate Northing = 2115136.166, Easting = 6052732.398, at point "SHIP", and the calculated bearing South 72°09'16" East to point "H133" having CCS83 coordinate Northing = 2114243.395, Easting = 6055505.473. The two monuments, "SHIP" and "H133" are shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California. All distances are ground distances. To obtain grid distances, multiply ground distances shown by 0.9999293.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.



  
Billy Martin, P.L.S. 5797

June 16, 2010  
Dated

**END OF DESCRIPTION**